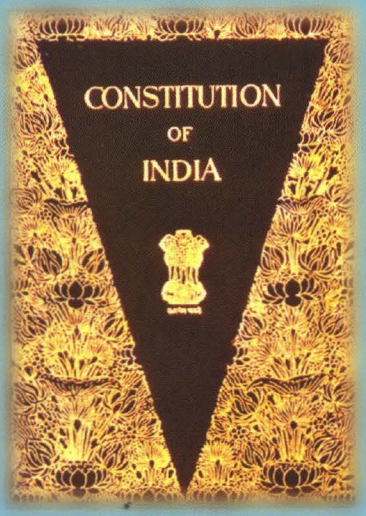

सत्यमेव जयते

MAKING OF THE CONSTITUTION

Lok Sabha Secretariat
New Delhi

MAKING OF THE CONSTITUTION

MAKING
OF
THE CONSTITUTION

LOK SABHA SECRETARIAT
NEW DELHI
2016

LARRDIS (LC)/2016

First Edition: 2016

Price : ₹ 800.00

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Published under Rule 382 of the *Rules of Procedure and Conduct of Business in Lok Sabha* (Fifteenth Edition) and printed by Jainco Art India, 13/10, W.E.A., Karol Bagh, New Delhi-110 005.

Foreword

The making of the Constitution was an extraordinary and distinctive endeavour in the history of India. It is our good fortune that when we emerged independent in August 1947, we had a galaxy of outstanding luminaries and statesmen who were fully conscious of the enormity of the tasks before the nation and equally definitive about the path we should chart out for ourselves.

The makers of our Constitution, who were entrusted with the daunting task of drafting the constitutional framework of free India gave to the nation a Constitution moulded by the hopes and aspirations of the teeming millions, declaring in the Preamble that it derives its authority from 'We, the People'. With incredible farsightedness and visionary statesmanship, they elaborated the philosophy and wisdom behind the various constitutional provisions and piloted it to the final adoption in the Constituent Assembly. On 26 January 1950, the pepole of India embarked on a new journey, with the onerous task of nation-building under the beacon of the new Constitution. It was on this day that free India declared itself a Republic and gave effect to the Constitution which had earlier been adopted on 26 November 1949.

All of us should bow our heads in reverence to the Founding Fathers of the Republic who bequeathed to us this monumental document. Undoubtedly, their contribution to the framing of the Constitution is unparalleled and shall always be deeply cherished.

I commend the efforts of the Lok Sabha Secretariat in bringing out this well researched publication on the 'Making of the Constitution'. The volume provides an insight into the various stages we traversed during the making of the Constitution and how the sagacious minds withstood the trials and tribulations successfully, while encapsulating together the noble ideals and the ennobling vision for our country in the supreme law of the land, *i.e.* the Constitution of India.

I am sure, the publication would be well-received by parliamentarians, scholars, researchers and all those who believe in the values of constitutionalism.

NEW DELHI
NOVEMBER, 2016

(SUMITRA MAHAJAN)
Speaker, Lok Sabha

Preface

Democratic consolidation in our country had indeed been a Herculean task at the dawn of Independence with the nation emerging out of thraldom after centuries of foreign rule. We owe the success of our democracy to the great traditions we have inherited and, above all, to the healthy edifice and institutional framework that the Constitution of India laid down for our polity.

The Drafting Committee of the Constitution was headed by the first Law Minister of Independent India, Dr. B.R. Ambedkar and the Committee had as its leaders stalwarts like Shri K.M. Munshi, Shri Alladi Krishnaswami Ayyar, Saiyid Muhammad Saadulla, Shri T.T. Krishnamachari, Shri B.L. Mitter, Shri D.P. Khaitan, Shri N. Madhava Rau and Shri N. Gopalaswami Ayyangar who are renowned for their distinctive role in painstakingly drafting the Constitution. Their untiring efforts, along with those distinguished members of the Constituent Assembly, bestowed us a Constitution which has stood the test of time. The very purpose of having such an exhaustive document containing even the minutest details is to infuse certainty and stability into the system as a pre-requisite to good governance. The prime aim of the Constitution has been the welfare of the people, with accountability as the lifeline.

On 26 January 1950, the Constitution of India came into force. We are deeply indebted to our Founding Fathers, who spent a great deal of valuable time and energy in giving shape to the Supreme Law of the Land.

The commitment to the Constitution is a legacy which needs to be passed on from generation to generation. This Publication on 'Making of the Constitution' is an endeavour to bring to the fore the nuances and intricacies involved in the process of drafting this remarkable document which has guided the nation since its adoption over six decades ago. The volume brings together at one place a factual and succinct account of the constitutional developments in the country, interspersed with enlightening facts about the functioning of the Constituent Assembly.

We are deeply grateful to the Hon'ble Speaker of Lok Sabha, Smt. Sumitra Mahajan, for her inspiring Foreword to this volume. Her keen interest and benign guidance have been a constant source of inspiration and encouragement in the preparation of this Publication. I would also like to compliment the officers of the Lok Sabha Secretariat, especially of the

Legal and Constitutional Affairs Wing of the Research & Information Division, who have worked diligently in bringing out this treatise, which is a valuable addition to the constitutional literature.

I hope that this Publication will be received with keen interest both by the general public and the scholars, especially the younger generation.

NEW DELHI
NOVEMBER, 2016

(ANOOP MISHRA)
Secretary General
Lok Sabha

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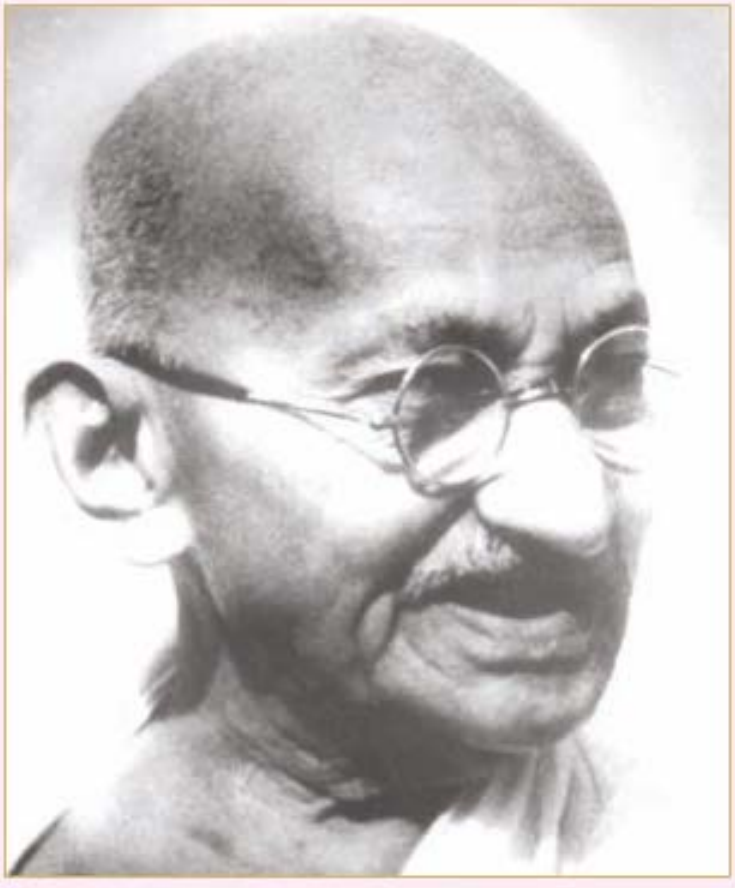


I shall strive for a Constitution which will release India from thraldom and patronage. I shall work for an India in which the poorest shall feel that it is their country in whose making they have an effective voice; an India in which there is no high class or low class of people, an India in which all communities shall live in perfect harmony.

Mahatma Gandhi

TOWARDS FRAMING THE CONSTITUTION

The Constitution of India is the fundamental law of the land. It encompasses in its fold the ideals and values of our civilizational heritage, as also the beliefs and aspirations that emerged out of our Freedom Struggle. The Constitution embodies the collective wisdom of the Founding Fathers of our Republic and, in essence, it represents the sovereign will of the people of India.

Our Constitution is described by analysts as the consummation of the long drawn national struggle for freedom. The development of Constitutional bodies and representative institutions in the country took place over the decades. The Charter Act of 1853 provided some sort of a separate 'Legislature' in the form of a 12-member Legislative Council. The Indian Councils Act, 1861, which is described as the "prime Charter of the Indian Legislature" inaugurating the "system of legislative devolution in India", was followed by the Indian Council's Acts of 1892 and 1909. The Act of 1909 which was in implementation of the Morley-Minto Reforms introduced an element of election and representation in the Legislative Council at the Union. However, none of these Acts provided for decisive say to the native elements in the matters of legislation and administration.

The Government of India Act of 1919, which gave effect to the Montague-Chelmsford Reforms, established a Bicameral Legislature at the Union for the first time and introduced some elements of responsible form of Government in the Provinces. The national leaders found the 1919 reforms inadequate, unsatisfactory and disappointing and urged the British Parliament to take early steps to establish fully responsible Government in India in accordance with the principle of self-determination. For early revision of the Government of India Act, 1919, a resolution, which later became famous as the 'National Demand', was adopted by the Central Legislative Assembly which, for the first time, lent its support to the growing demand that the future Constitution of India should be framed by Indians themselves.

In 1922, Mahatma Gandhi asserted the demand that India's destiny should be determined by the Indians themselves. He stated: "Swaraj will not be a free gift of the British Parliament. It will be a declaration of India's full self-expression, expressed through an Act of Parliament. But it will be merely a courteous ratification of the declared wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament, when the settlement comes, will ratify the wishes

of the people of India as expressed through the freely chosen representatives".

Another significant development in the Indian constitutional history was enactment of the Government of India Act, 1935. The Government of India Act, 1935 occupies a significant place in the constitutional history of India as the Act had endeavoured to give a written Constitution to the country. However, the freedom fighters or people's representatives had no role in the making of this document, and it suffered from serious drawbacks. Even after the enactment of the Government of India Act, 1935, the Central Government in India, by and large, remained what it was under the Act of 1919, since the federal part of the 1935 Act never came into operation; only some modifications in practice and procedure, as necessitated by the introduction of 'autonomy' in the Provinces were made.

The Quit India Movement of 1942 lent a new thrust to the freedom struggle. Subsequently, there were several efforts to work out the transfer of power and to provide for a constitutional framework for free India. As a part of those efforts, a British Cabinet Mission arrived in India on 24 March 1946.

The avowed purpose of the Mission was to assist the Viceroy in setting up in India the machinery by which Indians could devise their own Constitution. During the negotiations, the emphasis on the fundamental issues of Independence and of a representative Constituent Assembly for framing the future Constitution unhindered by any external interference was reiterated. The Cabinet Mission presented on 16 May 1946 a scheme of its own, laying down the principles and procedure for framing the future Constitution of India. In respect of the formation of the Constituent Assembly in order to frame the Constitution without delay, the Plan suggested; (i) to allot to each Province a total number of seats in proportion to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage; (ii) to divide the provincial allocation of seats between the main communities in each Province in proportion to their population; and (iii) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

Under the terms of the Cabinet Mission Plan, the Members of Constituent Assembly were elected in July 1946. The Indian Independence Act, 1947 provided that the Constituent Assembly would have unlimited power to frame and adopt any Constitution and even to supersede the Indian Independence Act itself without the need for any further legislation on the part of the British Parliament. The Indian Independence Act expressly terminated the British Parliament's authority to legislate for the Dominion on or after the 15 August 1947. The Constituent Assembly, thus, became a body fully representative of the States and Provinces in India and fully

sovereign of all external authority. As a sovereign body, it completed the task of framing the Constitution for India in the best interest of the people and without any outside interference.

The Constituent Assembly was able to complete its work within a period of less than three years—two years, eleven months and seventeen days, to be exact. On the twenty-sixth day of November 1949, it could proudly declare on behalf of the people of India that we do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION. The Constitution of India came into force on 26 January 1950. On that day, the Constituent Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.

By Courtesy:
'Transfer of Power in India'
By V.P. Menon

Cabinet Mission to India 1946: Pattabhi Sitaramayya, Sardar Vallabhbhai Patel, Shankerrao Deo, Lord Pethick Lawrence and P.C. Ghosh

By Courtesy:
'Transfer of Power in India'
By V.P. Menon

Maulana Abul Kalam Azad (2nd from left) with the members of Cabinet Mission.
From (L-R) Lord Pethick Lawrence, Maulana Abul Kalam Azad, Asaf Ali,
A.V. Alexander and Sir Stafford Cripps

MEMBERSHIP OF THE CONSTITUENT ASSEMBLY

Members of the Constituent Assembly were chosen by indirect election by the members of the Provincial Legislative Assemblies, according to the scheme recommended by the Cabinet Mission. The arrangement was: (i) 292 members were elected through the Provincial Legislative Assemblies; (ii) 93 members represented the Indian Princely States; and (iii) 4 members represented the Chief Commissioner's Provinces. The total membership of the Assembly thus was to be 389. However, as a result of the partition of the country, a separate Constituent Assembly was set up for Pakistan and representatives of some provinces ceased to be members of the Assembly.

As on 23 August, 1949, the Constituent Assembly had 235 members representing the Provinces and 72 members representing the Indian States. Hyderabad, which was allotted 16 seats, did not send its representatives to the Constituent Assembly at any stage of its deliberations.

STATE-WISE MEMBERSHIP OF THE CONSTITUENT ASSEMBLY OF INDIA

(As on 23 August 1949)

PROVINCES—235

	No. of Members
1. MADRAS	49
2. BOMBAY	21
3. WEST BENGAL	21
4. UNITED PROVINCES	55
5. EAST PUNJAB	16
6. BIHAR	36
7. C.P. AND BERAR	17
8. ASSAM	8
9. ORISSA	9
10. DELHI	1
11. AJMER-MERWARA	1
12. COORG	1

INDIAN STATES—72

		No. of Members
1.	MYSORE	7
2.	KASHMIR	4
3.	BARODA	3
4.	JODHPUR	2
5.	JAIPUR	3
6.	BIKANER	1
7.	KOLHAPUR	1
8.	MAYURBHANJ	1
9.	SIKKIM-COOCH BEHAR	1
10.	TRIPURA, MANIPUR AND KHASI STATES	1
11.	RAMPUR-BANARAS	1
12.	ORISSA STATES	4
13.	C.P. AND BERAR STATE	3
14.	MADRAS STATES	1
15.	BOMBAY STATES	4
16.	HIMACHAL PRADESH	1
17.	UNITED STATE OF KATHIAWAR (SAURASHTRA)	4
18.	UNITED STATE OF MATSYA	2
19.	UNITED STATE OF RAJASTHAN	4
20.	UNITED STATE OF VINDHYA PRADESH	4
21.	UNITED STATE OF GWALIOR-INDORE-MALWA (MADHYA BHARAT)	7
22.	PATIALA AND EAST PUNJAB STATES UNION	3
23.	UNITED STATE OF TRAVANCORE AND COCHIN	7
24.	CUTCH	1
25.	JUNAGADH	1
26.	RESIDUARY STATES	1

INVITATION TO MEMBERS TO ATTEND THE FIRST MEETING OF THE CONSTITUENT ASSEMBLY

20 November 1946

In pursuance of paragraph 21 of the statement made by the Cabinet Delegation and His Excellency the Viceroy on the 16th May 1946, the Provincial Legislatures have elected their representatives to the Constituent Assembly. I am now, under His Excellency the Viceroy's instructions, to request you as a member of the Constituent Assembly to attend its first meeting which will be held at 11:00 A.M. on the 9th December, 1946 at the Constituent Assembly Chamber in the Council House, New Delhi.

Sd/-

(Secretary)
The Constituent Assembly

FIRST DAY IN THE CONSTITUENT ASSEMBLY

The Constituent Assembly met for the first time in New Delhi on 9 December, 1946 in the Constitution Hall which is now known as the Central Hall of Parliament House. Decorated elegantly for the occasion, the Chamber wore a new look on that day with a constellation of bright lamps hanging from the high ceilings and also from the brackets on its walls.

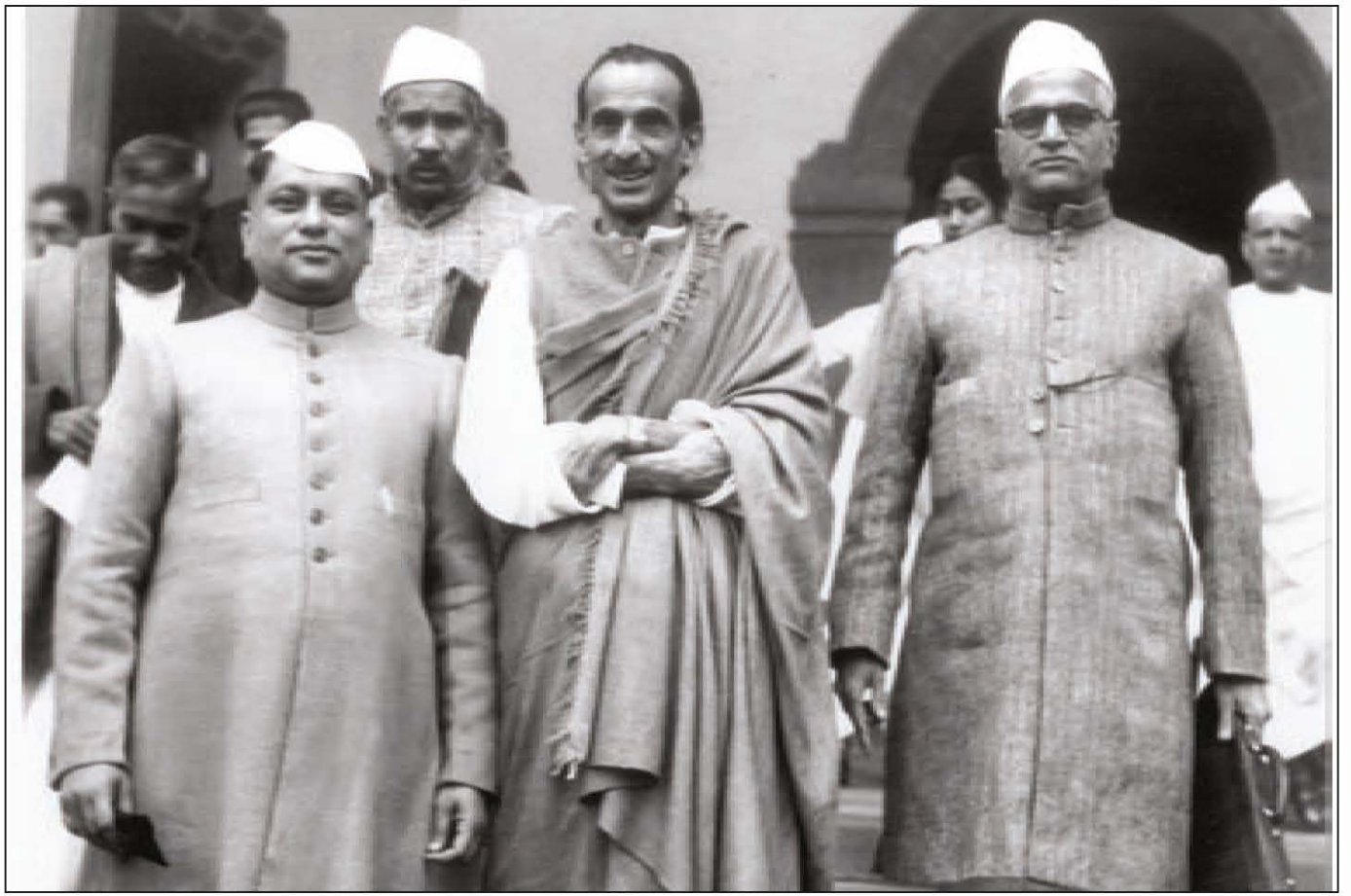
Overwhelmed and jubilant as they were, the hon'ble members sat in semi-circular rows facing the Presidential dais. The desks which could be warmed electrically were placed on sloping green-carpeted terraces. Those who adorned the front row were Pandit Jawaharlal Nehru, Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Acharya J.B. Kripalani, Dr. Rajendra Prasad, Smt. Sarojini Naidu, Shri Hare-Krushna Mahatab, Pandit Govind Ballabh Pant, Dr. B.R. Ambedkar, Shri Sarat Chandra Bose, Shri C. Rajagopalachari and Shri M. Asaf Ali. Two hundred and seven representatives, including ten women, were present.

The Inaugural Session began at 11 a.m. with the introduction of Dr. Sachchidananda Sinha, the temporary Chairman of the Assembly, by Acharya Kripalani. While welcoming Dr. Sinha and others, Acharyaji said: "As we begin every work with Divine blessings, we request Dr. Sinha to invoke these blessings so that our work may proceed smoothly. Now, I, once more, on your behalf, call upon Dr. Sinha to take the Chair".

Occupying the Chair amidst acclamation, Dr. Sinha read out the goodwill messages received from different countries. After the Chairman's inaugural address and the nomination of a Deputy Chairman, the members were formally requested to present their credentials. The First Day's proceedings ended after all the 207 members present submitted their credentials and signed the Register.

Seated in the galleries, some thirty feet above the floor of the Chamber, the representatives of the Press and the visitors witnessed this memorable event. The All India Radio, Delhi, broadcast a composite sound picture of the entire proceedings.

Members of the Constituent Assembly coming to attend the Assembly Session on the opening day (9 December 1946)



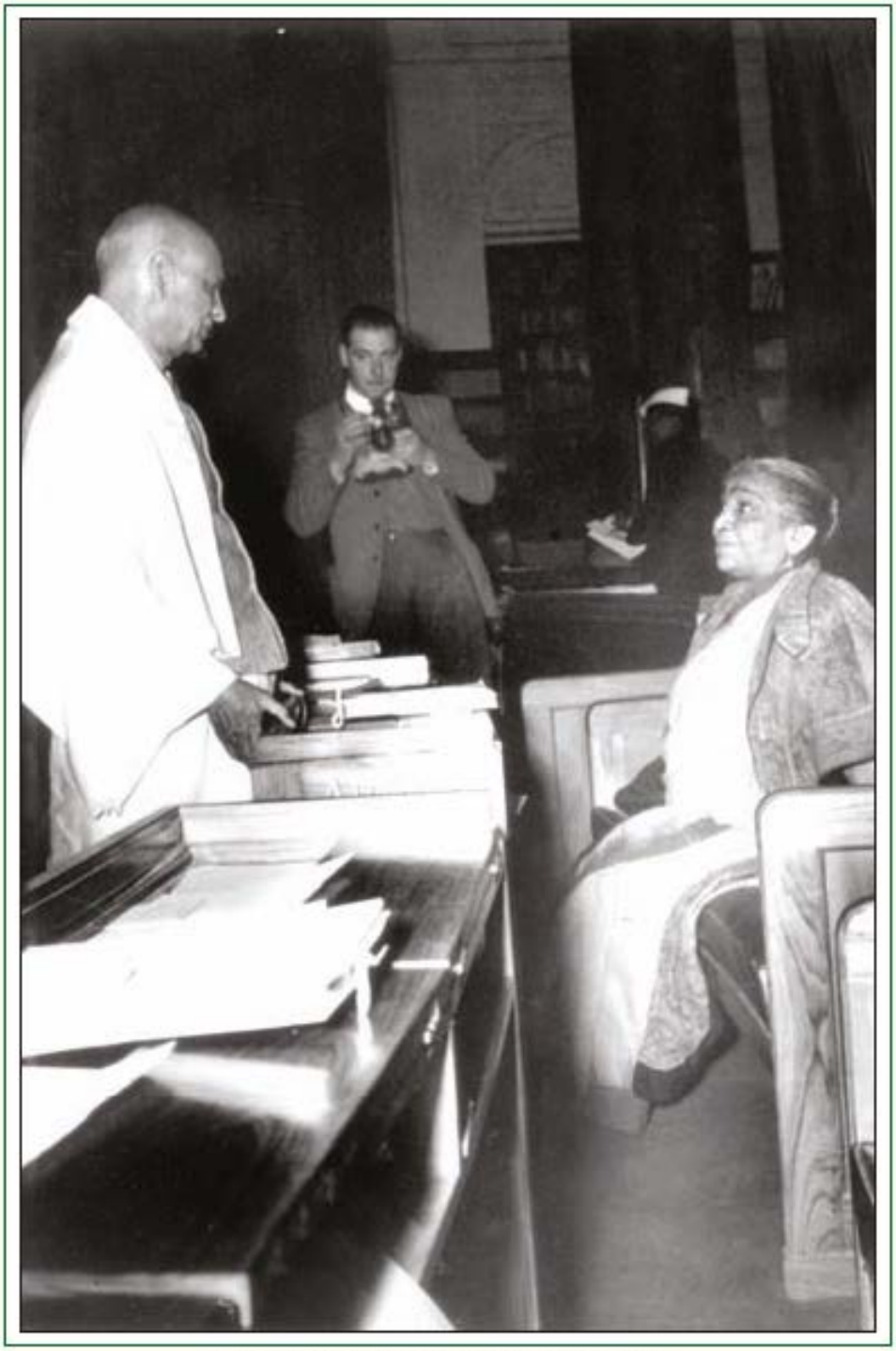
Shri J.B. Kripalani, Shri Satyanarayan Sinha and Shri N.V. Gadgil arriving to attend the Constituent Assembly on the opening day (9 December 1946)

SESSIONS OF THE CONSTITUENT ASSEMBLY

The Constituent Assembly took almost three years—2 years, 11 months and 17 days to be precise — to complete its historic task of drafting the Constitution of Independent India. Out of these, the Assembly spent 114 days for the consideration of the Draft Constitution.

During this period, the Constituent Assembly held eleven sessions. Out of these eleven sessions, the first six were spent in passing the Objectives Resolution and consideration of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Power, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The seventh, eighth, ninth, tenth and eleventh sessions were devoted to the consideration of the Draft Constitution. These eleven sessions of the Constituent Assembly consumed 165 days.

Number of Session	Dates of Session
First Session	9—23 *December*, 1946
Second Session	20—25 *January*, 1947
Third Session	28 April—2 *May*, 1947
Fourth Session	14—31 *July*, 1947
Fifth Session	14—30 *August*, 1947
Sixth Session	27 *January*, 1948
Seventh Session	4 *November*, 1948—8 *January*, 1949
Eighth Session	16 *May*—16 *June*, 1949
Ninth Session	30 *July*—18 *September*, 1949
Tenth Session	6—17 *October*, 1949
Eleventh Session	14—26 *November*, 1949
[The Assembly met once again on 24 January, 1950, when the members appended their signatures to the Constitution of India].	



Sardar Vallabhbhai Patel with Smt. Sarojini Naidu

Dr. Syama Prasad Mookerjee with Shri B.G. Kher at a session of the Constituent Assembly

Sardar Vallabhbhai Patel in the Constituent Assembly

A view of the Constituent Assembly in session

COMMITTEES OF THE CONSTITUENT ASSEMBLY AND THEIR CHAIRMEN

Name of the Committee	*Chairman*
Committee on the Rules of Procedure	*Dr. Rajendra Prasad*
Steering Committee	*Dr. Rajendra Prasad*
Finance and Staff Committee	*Dr. Rajendra Prasad*
Credentials Committee	*Alladi Krishnaswami Ayyar*
House Committee	*Dr. B. Pattabhi Sitaramayya*
Order of Business Committee	*Shri K.M. Munshi*
Ad hoc Committee on the National Flag	*Dr. Rajendra Prasad*
Committee on the Functions of the Constituent Assembly	*Shri G.V. Mavalankar*
States Committee	*Pandit Jawaharlal Nehru*
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	*Sardar Vallabhbhai Patel*
Minorities Sub-Committee	*Dr. H.C. Mookerjee*
Fundamental Rights Sub-Committee	*Shri J.B. Kripalani*
North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	*Shri Gopinath Bardoloi*

Name of the Committee	*Chairman*
Excluded and Partially Excluded Areas (other than those in Assam) Sub-Committee	*Shri A.V. Thakkar*
Union Powers Committee	*Pandit Jawaharlal Nehru*
Union Constitution Committee	*Pandit Jawaharlal Nehru*
Drafting Committee	*Dr. B.R. Ambedkar*
Ad hoc Committee on the Supreme Court	*Shri S. Varadachari**
Provincial Constitution Committee	*Sardar Vallabhbhai Patel*
Committee on Chief Commissioners' Provinces	*Dr. B. Pattabhi Sitaramayya*
Expert Committee on the Financial Provisions of the Union Constitution	*Shri Nalini Ranjan Sarkar**
Linguistic Provinces Commission	*Shri S.K. Dar**

PRESS GALLERY COMMITTEE

On 7 January, 1947, the President of the Constituent Assembly appointed by an Executive Order a Press Gallery Committee to advise him in regard to the allotment of passes to Press correspondents for the Press Gallery of the House. The Committee, with Usha Nath Sen of the Associated Press of India as its Chairman, consisted of the representatives of the Press.

*Not a member of the Constituent Assembly.

DRAFTING COMMITTEE

The Drafting Committee was elected by the Constituent Assembly on 29 August, 1947. It held its first meeting on 30 August. Since 30 August, it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution, as prepared by the Constitutional Adviser as a text for the Drafting Committee to work upon, consisted of 243 articles and 13 Schedules.

The first Draft Constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 Schedules. At the end of the consideration stage, the number of articles in the Draft Constitution increased to 386. In its final form, the Draft Constitution contained 395 articles and 8 Schedules.

The total number of amendments to the Draft Constitution tabled was approximately 7,635. Of them, the total number of amendments actually moved in the House was 2,473.

NAMES OF THE MEMBERS OF THE COMMITTEES

Dr. B.R. Ambedkar (Chairman)

Shri Alladi Krishnaswami Ayyar

Shri N. Gopalaswami Ayyangar

Dr. K.M. Munshi

Saiyid Muhammad Saadulla

Shri B.L. Mitter

Shri D.P. Khaitan*

Shri N. Madhava Rau

Shri T.T. Krishnamachari

*Passed away in 1948.

A frontal view of diorama in the Parliament Museum, showing members of the Drafting Committee of the Constituent Assembly

INAUGURAL SESSION OF THE CONSTITUENT ASSEMBLY

9 December 1946

CONSTITUENT ASSEMBLY OF INDIA

Monday, the 9th December 1946

The first meeting of the Constituent Assembly of India took place in Constitution Hall, New Delhi, on Monday, the 9th December 1946, at Eleven of the Clock.

ELECTION OF TEMPORARY CHAIRMAN

Acharya J.B. Kripalani (United Provinces: General): (in requesting Dr. Sachchidananda Sinha to take the Chair as temporary Chairman, said)—

*[Friends, at this auspicious occasion of historical importance I invite, on your behalf, Dr. Sachchidananda Sinha to be the temporary Chairman of this Assembly. Dr. Sinha needs no introduction. You all know him. He is not only the oldest among us but also the oldest parliamentarian in India, having served, as you know, as a member of the Imperial Legislative Council from 1910 to 1920. He entered the Central Legislative Assembly in 1921 not only as one of its members, but its Deputy President also. He was then entrusted with the portfolio of an Executive Councellor and Finance Member of the Government of Bihar and Orissa. So far as I remember Dr. Sinha was the first Indian who was ever appointed as a Finance Member of a Province. He has a particular taste for education having been Vice-Chancellor of the Patna University for eight years. Over and above all this, Dr. Sinha is the oldest Congressman among us. Up till 1920 he was a member of the Congress, being at one time its Secretary.

After the year 1920 when we started on a new way to gain freedom he parted company with us. He, however, never wholly left us. He has always been helping us. He never joined any other organization and his sympathies were ever with us. Such a person is entitled to be the temporary Chairman of this Assembly. His work is brief but it is all the same most important. It is inaugurating the proceeding of this House. As we begin every work with Divine blessings we request Dr. Sinha to invoke these blessings so that our work may proceed smoothly. Now, I once more, on your behalf, call upon Dr. Sinha to take the Chair.]

(Acharya J.B. Kripalani then conducted Dr. Sachchidananda Sinha to the Chair, which he then occupied amidst acclamation.)

*[] English translation of Hindustani speech.

MESSAGES OF GOODWILL

The Chairman (Dr. Sachchidananda Sinha): Hon'ble Members, I shall read out to you this morning three messages which have been received by me from responsible State Officials of America, China and the Government of Australia. The American Charged' Affaires writes:

> "My dear Dr. Sinha,
>
> It gives me great pleasure to transmit herewith a copy of a telegram I have just received from the Honourable Dean Acheson, the Acting Secretary of State of the United States.
>
> The telegram received is as follows:
>
> 'From the Acting Secretary of State,
> Washington, D.C.
> Dr. Sachchidananda Sinha,
> Provisional Chairman of the Constituent Assembly,
> New Delhi.
>
> With the approach of December 9, I extend to you as Provisional Chairman of the Constituent Assembly, and through you to the Indian people, the sincere good wishes of the United States Government and of the people of the United States for a successful conclusion of the great task you are about to undertake. India has a great contribution to make to the peace, stability, and cultural advancement of mankind, and your deliberations will be watched with deep interest and hope by freedom loving people throughout the entire world.' " (*Cheers*).

The next message is from the Embassy of the Republic of China—New Delhi.

> "Dr. Sachchidananda Sinha
> Provisional Chairman Constituent Assembly:
>
> 'On the auspicious occasion of the opening of the Indian Constituent Assembly I have the honour to extend to Your Excellency in the name of the National Government of China my heartiest congratulations. I sincerely hope that your great Assembly will succeed in laying a solid foundation for a democratic and prosperous India.
>
> WANG SHIH CHIEH,
> Minister of Foreign Affairs of the Republic of China.' "
>
> (*Cheers*).

The third and last message I have to read out to this Assembly is one from the Australian Government to the Members of the Indian Constituent Assembly.

> "Australia has watched with keen interest and sympathy the course of events which have given the people of India their rightful place in the community of nations. The Australian Government, therefore, greets the opening of the Constituent Assembly as an outward sign of a new era for India and offers the delegates of the Constituent Assembly their best wishes for success in their task." (*Cheers*).

I am sure the House will authorize me and permit me to convey its thanks to the representatives of these Governments who have sent us such cheering and inspiring messages. I may further add that this is a very auspicious sign for the success of your work. (*Cheers*).

ELECTION PETITION FROM KHAN ABDUS SAMAD KHAN OF BRITISH BALUCHISTAN

The Chairman: The next thing which I have to bring to the notice of the House is that I have received an election petition from Khan Abdus Samad Khan of British Baluchistan challenging the validity of the election of Nawab Mohammad Khan Jogazai as a member of the Constituent Assembly representing British Baluchistan. The House will doubtless look into this matter, in due course, after the election of the permanent Chairman. But my ruling at this stage is that the gentleman declared elected will continue to be regarded as a Member of this House until the matter is disposed of, at a later stage, by the House, after the election of the permanent Chairman.

The next item on the agenda is the provisional Chairman's inaugural address. I will do my best to read out the whole of the address, but if I feel the strain too much, you will kindly permit me to hand over the typescript to Sir B.N. Rau, who has very kindly undertaken to read it for me. But I hope there will be no occasion for it.

CHAIRMAN'S INAUGURAL ADDRESS

HON'BLE MEMBERS OF THE FIRST INDIAN CONSTITUENT ASSEMBLY:

I am deeply beholden to you for your having agreed to accept me as the first President of your Constituent Assembly, which will enable me to assist you in transacting the preliminary business before the House—such as the election of a permanent President, the framing of the Rules of Business, the appointment of various Committees, and settling the question of giving

publicity to, or keeping confidential, your proceedings—which will ultimately lead you to crown your labours by formulating a suitable and stable constitution for an Independent India. In expressing my sense of appreciation of your great kindness, I cannot conceal from myself that I feel—comparing small things with great—that I am, on the present occasion in the position in which Lord Palmerston found himself when Queen Victoria offered him the highest Order of Chivalry, namely, the Knighthood of the Garter. In accepting the Queen's offer, Lord Palmerston wrote to a friend as follows:—

> "I have gratefully accepted Her Majesty's gracious offer as, thank God, there is no question of any damned merit about the honour conferred on me."

I say I find myself more or less in the same position, for you have agreed to accept me as your President on the sole ground that I am, in age, the senior-most member of this Assembly. Whatever the ground, however, on which you have chosen to have me as your first President, I am nonetheless profoundly grateful to you. I have had, in my fairly long life, several honours conferred on me in recognition of my services as a humble worker in public interest, but I assure you that I regard your mark of favour as a signal honour, which I shall cherish throughout the rest of my life.

On this historic and memorable occasion, you will not grudge, I am sure, if I venture to address to you some observations on certain aspects of what is called a Constituent Assembly. This political method of devising a constitution for a country has not been known to our fellow-subjects in Britain, for the simple reason, that under the British Constitution, there is no such thing as a constituent law, it being a cherished privilege of the British Parliament, as the sole sovereign authority, to make and unmake all laws, including the constitutional law of the country. As such, we have to look to countries other than Britain to be able to form a correct estimate of the position of a Constituent Assembly. In Europe, the oldest Republic, that of Switzerland, has not had a Constituent Law, in the ordinary sense of that term, for it came into existence, on a much smaller scale than it now exists, due to historic causes and accidents, several centuries back. Nevertheless, the present constitutional system of Switzerland has several notable and instructive features, which have strongly been recommended by qualified authorities to Indian constitution-makers, and I have no doubt that this great Assembly will study carefully the Swiss Constitution, and try to utilise it to the best advantage in the interest of preparing a suitable constitution for a free and independent India.

I wish your labours success, and invoke Divine blessings that your proceedings may be marked not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice, and fairness to all; and above all with a vision which may restore India to her pristine glory, and give her a place of honour and equality amongst the great nations of the world.

Dr. Sachchidananda Sinha

The only other State in Europe, to the constitution of which we could turn with some advantage, is that of France, the first Constituent Assembly of which (called "The French National Assembly") I was convoked in 1789, after the French Revolution had succeeded in over-throwing the French monarchy. But the French Republican system of Government had been changed since then, from time to time, and is even now, more or less, in the melting pot. Though, therefore, you may not be able to derive as much advantage from a study of the French system of constituent law as that of the Swiss, that is no reason why you should not seek to derive what advantage you can in the preparation of the task before you, by a study of it.

As a matter of fact, the French constitution-makers, who met in 1789 at the first Constituent Assembly of their country, were themselves largely influenced by the work done but a couple of years earlier in 1787, by the historic Constitutional Convention held at Philadelphia by the American constitution-makers, for their country. Having thrown off their allegiance to the British King in Parliament, they met and drew up what had been regarded, and justly so, as the soundest, and most practical and workable republican constitution in existence. It is this great constitution, which had been naturally taken as the model for all subsequent constitutions not only of France, but also of the self-governing Dominions of the British Commonwealth, like Canada, Australia, and South Africa; and I have no

doubt that you will also, in the nature of things, pay in the course of your work, greater attention to the provisions of the American Constitution than to those of any other.

I have referred above to the self-governing constitutions of the great Dominions of the British Commonwealth being based on, to a large extent, if not actually derived, from, the American constitutional system. The first to benefit by the American system was Canada, the historic Convention of which country, for drawing up a self-governing constitution, met in 1864, at Quebec. This Convention drew up the Canadian Constitution, which was subsequently embodied in what is still on the Statute Book as the British North American Act, passed by the British Parliament in 1867. You may be interested to hear that the Quebec Convention consisted of only 33 delegates from all the provinces of Canada, and that Convention of 33 representatives issued as many as 74 resolutions, which were afterwards duly incorporated in toto in the British North American Act, under the provisions of which the first self-governing Dominion of the British Commonwealth of Canada, came into existence, in 1867. The British Parliament accepted the Canadian Convention's scheme in its entirety, except for making only one drafting amendment. I hope and pray, Hon'ble Members, that your labours may be crowned with a similar success.

The American constitutional system was more or less adopted in the schemes prepared for framing the Constitutions of Australia and South Africa, which shows that the results achieved by the American Convention held at Philadelphia in 1787, had been accepted by the world as a model for framing independent federal constitutions for various countries. It is for these reasons that I have felt justified in inviting your attention to the American system of constituent and constitutional law as one—which should be carefully studied by you—not necessarily for wholesale adoption, but for the judicious adaptation of its provisions to the necessities and requirements of your own country, with such modifications as may be necessary or essential owing to the peculiar conditions of our social, economic and political life. I have done so as according to Munro—a standard authority on the subject—the American Constitution is based on "a series of agreements as well as a series of compromises". I may venture to add, as a result of my long experience of public life for now nearly half a century, that reasonable agreements and judicious compromises are nowhere more called for than in framing a constitution for a country like India.

In commending to you for your careful consideration and acceptance, with reasonable agreements and judicious compromises, the fundamental principles of the American system, I cannot do better than quote the striking observations on the subject of the greatest British authority namely

Viscount Bryce, who in his monumental work, called "The American Commonwealth", writes as follows, putting in a very few lines the substance of the fundamental principles of the American Constitution:—

> "Its central or national—is not a mere league for it does not wholly depend on the component communities which we call the States. It is itself a Commonwealth, as well as a union of Commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its courts and executive officers. Still less are the minor communities, the States, mere sub-divisions of the Union, mere creatures of the National Government, like the counties of England, or the Departments of France. They have over their citizens an authority which is their own, and not delegated by the Central Government."

It may possibly be that in some such scheme, skillfully adapted to our own requirements, a satisfactory solution may be found for a constitution for an Independent India, which may satisfy the reasonable expectations and legitimate aspirations of almost all the leading political parties in the country. Having quoted the greatest British authority on the great, inherent, merits of the American Constitution, you will, I hope, bear with me a fairly long quotation from the greatest American Jurist, Joseph Story. In concluding his celebrated book, called "Commentaries on the Constitution of the United State", he made certain striking and inspiring observations which I present to you as worthy of your attention. Mr. Joseph Story said:

> "Let the American youth never forget, that they possess (in their Constitution) a noble inheritance, bought by the toils, and sufferings, and blood of their ancestors; and capable, if wisely improved, and faithfully-guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful, as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality if the work of man may justly aspire to such a title. It may, nevertheless, parish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created—these are the words which I commend to you for your consideration—by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them."

To quote yet one more leading authority on the almost ideal Constitution of America, James (at one time Solicitor-General of the United States) says

in his highly instructive book, called, "The Constitution of the United States—Yesterday, Today, and Tomorrow"—

> "Constitutions, as a governmental panacea, have come and gone; but it can be said of the American Constitution, paraphrasing the noble tribute of Dr. Johnson to the immortal fame of Shakespeare, that the stream of time which has washed away the dissoluble fabric of many other paper constitutions, has left almost untouched its adamantine strength. Excepting the first ten amendments, which were virtually a part of the original charter, only nine others have been adopted in more than one hundred and thirty years. What other form of government has better stood the test of time?"

Hon'ble Members, my prayer is that the Constitution that you are going to plan may similarly be reared for 'Immortality', if the work of man may justly aspire to such a title, and it may be a structure of 'adamantine strength, which will outlast and overcome all present and future destructive forces.

Having invited your attention to some aspects of the question of constitution-making in Europe and America, I may now profitably turn to some aspects of the question in our own country. The first definite reference to a Constituent Assembly (though not under those words or under that particular name) I have found in a statement of Mahatma Gandhi, made so far back as 1922. Mahatmaji wrote:—

> "Swaraj will not be a free gift of the British Parliament. It will be a declaration of India's full self-expression, expressed through an Act of Parliament. But it will be merely a courteous ratification of the declared wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament, when the settlement comes, will ratify the wishes of the people of India as expressed through the freely chosen representatives."

The demand made by Mahatma Gandhi for a Constituent Assembly, composed of the "freely chosen representatives" of the people of India, was affirmed, from time to time, by various public bodies and political leaders, but it was not till May, 1934, that the Swaraj Party, which was then formed at Ranchi (in Bihar), formulated a scheme in which the following resolution was included:—

> "This Conference claims for India the right of self-determination, and the only method of applying that principle is to convene a Constituent Assembly, representative of all sections of the Indian people, to frame an acceptable constitution."

The policy embodied in this resolution was approved by the All-India Congress Committee, which met at Patna—the capital of Bihar—a few days later, in May, 1934; and it was thus that the scheme of a Constituent Assembly for framing the Indian Constitution was officially adopted by the Indian National Congress.

The above resolution was confirmed at the session of the Congress held at Faizpur in December 1936. The confirming resolution declared that—

> "The Congress stands for a genuine democratic State in India where political power has been transferred to the people, as a whole, and the Government is under their effective control. Such a State can only come into existence through a Constituent Assembly having the power to determine finally the constitution of the country."

In November, 1939, the Congress Working Committee adopted a resolution which declared that—

> "Recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly is essential."

I may add that in the resolutions from which I have quoted above (those adopted at the Congress Working Committee of November 1939, and at the Faizpur session of the Congress of 1936) it was declared that the Constituent Assembly should be elected on the basis of adult suffrage. Since the Congress gave a lead on the subject in 1934, the idea of a Constituent Assembly had come to prevail largely as an article of faith in almost all the politically-minded classes in the country.

But until the adoption of the resolution on Pakistan, in March 1940, by the Muslim League, that political organization had not favoured the idea of a Constituent Assembly as a proper and suitable method for framing a constitution for this country. After the adoption of that resolution, however, the attitude of the Muslim League seems to have undergone a change in favour of the idea of a Constituent Assembly—one for the areas claimed by the League for a separate Muslim State, and the other for the rest of India. Thus it may be stated that the idea of a Constituent Assembly, as the only direct means for the framing of a constitution in this country, came to be entertained and accepted by the two major political parties in 1940, with this difference that while the Congress desired one Constituent Assembly for India, as a whole, the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate States in the country. Any way, whether one or two, the idea of a Constituent Assembly being the proper method for the framing of a constitution had clearly dawned by that time on public consciousness in the country, and it was with reference to that great mental upheaval that Pandit Jawaharlal Nehru declared that "it means a nation on the move, fashioning for itself a new Government of its own making, through their elected representatives".

It remains to add that the conception of a Constituent Assembly as the most appropriate method for framing the Constitution of India had also found favour with the members of the Sapru Committee in the report of which, issued last year (1945), is formulated a definite scheme for the composition of a Constituent Assembly. We are meeting, however in this Assembly today, under the scheme propounded by the British Cabinet Mission, which, though differing from the suggestions made on the subject by the Congress, the League, and other political organizations, had devised a scheme which, though not by all, had been accepted by many political parties, and also by large sections of the politically-minded classes in the country, but also by those not belonging to any political party, as one well worth giving a trial, with a view to end the political deadlock, which had obtained for now many years past, and frustrated our aims and aspirations. I have no desire to go further into the merits of the British Cabinet Mission's scheme as that might lead me to trespass on controversial ground, which I have no desire to traverse on the present occasion. I am aware that some parts of the scheme, propounded by the British Cabinet Mission, have been the subject of acute controversies between some of the political parties amongst us, and I do not want, therefore, to rush in where even political angles might well fear to tread.

Hon'ble Members, I fear I have trespassed long on your patience, and should now bring my remarks to a close. My only justification for having detained you so long is the uniqueness of this great and memorable occasion in the history of India, the enthusiasm with which this Constituent Assembly had been welcomed by large classes of people in this country, the keen interest which matters relating to it had evoked amongst various communities, and the prospect which it holds out for the final settlement of the problem of all problems, and the issue of all issues, namely, the political independence of India, and her economic freedom. I wish your labours success, and invoke divine blessings that your proceedings may be marked not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice, and fairness to all; and above all with a vision which may restore India to her pristine glory, and give her a place of honour and equality amongst the great nations of the world. Let us not forget to justify the pride of the great Indian poet, Iqbal, and his faith in the immortality of the destiny of our great, historic, and ancient country, when he summed up in these beautiful lines:

Yunan-o-Misr-o-Roma sab mit gaye jahan se,
Baqi abhi talak hai naam-o-nishan hamara.
Kuch bat hai ki hasti mit-ti nahin hamari,
Sadiyon raha hai dushman daur-e-zamaan hamaara.

It means: "Greece, Egypt, and Rome, have all disappeared from the surface of the Earth; but the name and fame of India, our country, has

survived the ravages of Time and the cataclysms of ages. Surely, surely, there is an eternal element in us which had frustrated all attempts at our obliteration, in spite of the fact that the heavens themselves had rolled and revolved for centuries, and centuries, in a spirit of hostility and enmity towards us." I particularly ask of you to bring to your task a broad and catholic vision, for as the Bible justly teaches us—

"Where there is no vision the people perish." (*Applause*).

NOMINATION OF DEPUTY CHAIRMAN

The Chairman (Dr. Sachchidananda Sinha): I have a proposal to make to you on purely personal grounds, and I hope you will kindly approve of it. For many years past, under medical advice, I have not been able to do any work in the afternoons, and I do not propose to sit after the luncheon recess. So for the time I am temporary Chairman, while the House is going on with the presentation of credentials and the signing of the Register in the afternoon, I propose to request the House to give me the assistance of a Deputy Chairman, and I propose that Mr. Frank Anthony be nominated by you. (*After a pause*). I declare the motion carried.

DEATH OF MR. PRASANNA DEB RAIKUT

The Chairman (Dr. Sachchidananda Sinha): Next, I am informed that a member of our Constituent Assembly, who had been duly elected, had passed away, Mr. Prasanna Deb Raikut from Bengal, and I desire on behalf of the Constituent Assembly to convey our condolence to his relations. I think I may take it as carried.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

The Chairman (Dr. Sachchidananda Sinha): Now I think we shall start the formal business which is the presentation of credentials and the signing of the Register. I will present my credentials to myself. Though Hon'ble Members must pass through certain formalities, I have cut out from the procedure the coming of members to the platform to shake hands with the Chairman after signing the Register. We tested this matter yesterday, and found that it would take about a minute and a half, if not two minutes, if after signing his name each member were to ascend this platform by the circuitous route, and shake hands with the Chairman, and then return to this seat. So, I have thought that that formality may be dispensed with. The Secretary will now call out the names of Hon'ble Members, who will come up, present to him their credentials, sign the Register, and go back to their seats.

The following Members then presented their credentials and signed their names in the Register:—

MADRAS

1. The Hon'ble Sri C. Rajagopalachari.
2. Dr. B. Pattabhi Sitaramayya.
3. The Hon'ble Sri T. Prakasam.
4. The Hon'ble Dewan Bahadur Sir N. Gopalaswami Ayyangar.
5. Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
6. Shrimati Ammu Swaminathan, M.L.A. (Central).
7. Mr. S. H. Prater, O.B.E., J.P., C.M.Z.S., M.L.A. (Bombay).
8. Dr. P. Subbarayan.
9. Raja of Bobbili.
10. Sri M. Ananthasayanam Ayyangar, M.L.A. (Central).
11. Professor N. G. Ranga, M.L.A. (Central).
12. Sri T. A. Ramalingam Chettiyar, M.L.A. (Central).
13. Sri K. Kamaraja Nadar, M.L.A.
14. Sri K. Madhava Menon, M.L.C.
15. Sri B. Shiva Rao.
16. Sri K. Santhanam.
17. Sri T. T. Krishnamachari.
18. Sri B. Gopala Reddi, M.L.A.
19. Shrimati Dakshayani Velayudan, M.L.C. (Cochin).
20. Sri V. I. Muniswami Pillai, M.L.A.
21. Sri K. Chandramouli, M.L.A.
22. Sri D. Govinda Doss, M.L.A.
23. Rev. Jerome D'Souza, S.J.
24. Sri Ramanath Goenka.
25. Sri H. Sitarama Reddi, M.L.A.
26. Sri U. Srinivasa Mallayya.
27. Sri Kala Venkata Rao, M.L.A.
28. Sri P. Kunhiraman.
29. Shrimati G. Durgabai.
30. Sri P. Kakkan, M.L.A.
31. Sri N. Sanjeeva Reddi, M.L.A.
32. Sri O. P. Ramaswami Reddiyar, M.L.C.
33. Sri C. Perumalswami Reddi, M.L.C.

34. Sri M. C. Veerabahu Pillai.
35. Mr. T. J. M. Wilson, M.L.A.
36. Sri P. L. Narasimha Raju, M.L.A.
37. Sri S. Nagappa, M.L.A.
38. Sri L. Krishnaswami Bharathi.
39. Sri O. V. Alagesan.
40. Sri V. C. Kesava Rao.
41. Dr. V. Subrahmanyam.
42. Sri C. Subrahmanyam.
43. Sri V. Nadimuthu Pillai.

BOMBAY

1. The Hon'ble Sardar Vallabhbhai J. Patel.
2. The Hon'ble Mr. B. G. Kher.
3. The Rt. Hon'ble Dr. M. R. Jayakar, P.C.
4. Mr. K. M. Munshi.
5. Mr. Shankar Dattatraya Deo.
6. Mr. Narhar Vishnu Gadgil.
7. Mr. S. K. Patil.
8. Mrs. Hansa Mehta, M.L.C.
9. Dr. Joseph Alban D'Souza, M.L.A.
10. Mr. M. R. Masani, M.L.A. (Central).
11. Mr. R. M. Nalavade, M.L.A.
12. Mr. B. M. Gupta, M.L.A.
13. Mr. S. Nijalingappa.
14. Mr. R. R. Diwakar.
15. Mr. S. N. Mane, M.L.A.
16. Mr. Khandubhai Kasanji Desai.
17. Mr. H. V. Pataskar, M.L.A.
18. Mr. Kanayalal Nanabhai Desai, M.L.A.
19. Mr. K. M. Jedhe.

BENGAL

1. Mr. Sarat Chandra Bose.
2. Dr. B. R. Ambedkar.
3. Mr. Kiran Shankar Roy, M.L.A.
4. Mr. Frank Reginald Anthony, M.L.A. (Central).
5. Mr. Satya Ranjan Baksi.
6. Dr. Prafulla Chandra Ghosh.

7. Sir Uday Chand Mahtab, K.C.I.E., M.L.A.
8. Dr. Suresh Chandra Banerjee, M.L.A.
9. Mr. Debi Prosad Khaitan, M.L.A.
10. Mrs. Leela Ray.
11. Mr. Damber Singh Gurung, M.L.A.
12. Dr. Syama Prasad Mookherjee, M.L.A.
13. Mr. Ashutosh Mallick, M.L.A.
14. Mr. Radhanath Das, M.L.A.
15. Mr. Promatha Ranjan Thakur, M.L.A.
16. Mr. Hem Chandra Nasker, M.L.A.
17. Mr. Somnath Lahiri.
18. Mr. Rajkumar Chakravarty.
19. Mr. Priyaranjan Sen.
20. Mr. Prafulla Chandra Sen.
21. Mr. J. C. Majumdar.
22. Mr. Surendra Mohan Ghose.
23. Mr. Arun Chandra Guha.
24. Mr. Dhananjoy Roy, M.L.A.
25. Mr. Dhirendra Nath Datta, M.L.A.

UNITED PROVINCES

1. Acharya J. B. Kripalani.
2. The Hon'ble Pt. Govind Ballabh Pant.
3. The Hon'ble Shri Purushottam Das Tandon.
4. The Hon'ble Pt. Hirday Nath Kunzru.
5. Shri Govind Malaviya, M.L.A. (Central).
6. Pt. Shri Krishna Dutt Paliwal, M.L.A. (Central).
7. Shri Mohan Lal Saksena, M.L.A. (Central).
8. Acharya Jugal Kishore, M.L.A.
9. Mrs. Purnima Banerji, M.L.A.
10. Shri Sri Prakasa, M.L.A. (Central).
11. Shrimati Sucheta Kripalani.
12. Sardar Jogendra Singh, M.L.A. (Central).
13. Shri Damodar Swarup Seth, M.L.A. (Central).
14. Shri Algu Rai Shastri, M.L.A.
15. Shri Banshi Dhar Misra, M.L.A.
16. Shri Bhagwan Din, M.L.A.
17. Shri Kamlapati Tiwari, M.L.A.
18. Shrimati Kamla Chaudhri.

19. Raja Jagannath Bakhsh Singh, M.L.A.
20. Shri Harihar Nath Shastri, M.L.A.
21. Shri Gopal Narain, M.L.A.
22. Shri Feroze Gandhi.
23. Shri Jaspat Roy Kapoor.
24. The Hon'ble Pt. Jawaharlal Nehru.
25. The Hon'ble Mr. Rafi Ahmad Kidwai.
26. Sir S. Radhakrishnan.
27. Shri Dayal Das Bhagat, M.L.A.
28. Shri A. Dharam Das, M.L.A.
29. Shri Gopi Nath Srivastava.
30. Shri Dharam Prakash.
31. Shri Ajit Prasad Jain, M.L.A.
32. Shri Ram Chandra Gupta, M.L.C.
33. Shri Pragi Lal, M.L.A.
34. Shri Phool Singh, M.L.A.
35. Shri Masuria Din, M.L.A.
36. Shri Shibban Lal Saksena.
37. Shri Khurshed Lal.
38. Shri Sunder Lall.
39. Shri Har Govind Pant, M.L.A.
40. Shri R. V. Dhulekar, M.L.A.
41. Shri Vishwambhar Dayal Tripathi, M.L.A.
42. Shri Venkatesh Narayan Tivary, M.L.A.

PUNJAB

1. Diwan Chaman Lall, M.L.A. (Central).
2. Sardar Harnam Singh.
3. Sardar Kartar Singh, M.L.A.
4. Sardar Ujjal Singh, M.L.A.
5. The Hon'ble Mr. Mehr Chand Khanna.
6. Sardar Pratap Singh, M.L.A.
7. Bakhshi Sir Tek Chand.
8. Sardar Prithvi Singh Azad, M.L.A.

9. Pandit Shri Ram Sharma, M.L.A.
10. Rao Bahadur Chaudhri Suraj Mal, M.L.A.
11. Dr. Gopi Chand Bhargava, M.L.A.
12. Chaudhri Harbhaj Ram, M.L.A.

BIHAR

1. The Hon'ble Dr. Rajendra Prasad.
2. Mrs. Sarojini Naidu.
3. The Hon'ble Mr. Jagjivan Ram.
4. The Hon'ble Mr. Shri Krishna Sinha.
5. Mr. Satyanarayan Sinha, M.L.A. (Central).
6. The Hon'ble Maharajadhiraja Sir Kameshwara Singh, K.C.I.E., of Darbhanga.
7. Dr. P.K. Sen.
8. The Hon'ble Mr. Anugrahnarayan Sinha.
9. Mr. Banarsi Prasad Jhunjhunwala, M.L.A. (Central).
10. The Hon'ble Rai Bahadur Sri Narain Mahtha.
11. Mr. Deshbandhu Gupta, M.L.A. (Central).
12. Mr. Ramnarayan Singh, M.L.A. (Central).
13. Mr. A.K. Ghosh, M.L.A.
14. Mr. Bhagwat Prasad, M.L.A.
15. Mr. Boniface Lakra, M.L.C.
16. Mr. Rameshwar Prasad Sinha, M.L.A.
17. Mr. Phulan Prasad Varma, M.L.A.
18. Mr. Mahesh Prasad Sinha, M.L.A.
19. Mr. Sarangdhar Sinha, M.L.A.
20. Rai Bahadur Syamanandan Sahaya, M.L.A., C.I.E.
21. Mr. Brajeshwar Prashad.
22. Mr. Jaipal Singh.
23. Mr. Chandrika Ram, M.L.C.
24. Mr. Kamleshwari Prasad Yadav, M.L.A.
25. Mr. Jagat Narain Lal, M.L.A.
26. Mr. Jadubans Sahay, M.L.A.
27. Mr. Guptanath Singh, M.L.A.

28. Mr. Dip Narayan Sinha, M.L.A.
29. Mr. Devendra Nath Samanta, M.L.C.
30. Dr. Sachchidananda Sinha, M.L.A.

C.P. AND BERAR

1. The Hon'ble Pt. Ravi Shankar Shukla.
2. Dr. Sir Hari Singh Gour.
3. The Hon'ble Mr. Brijlal Nandlal Biyani.
4. Mr. Rustom Khurshedji Sidhwa, M.L.A.
5. Seth Govinddas, M.L.A. (Central).
6. Thakur Chhedilal, M.L.A.
7. Mr. Hari Vishnu Kamath.
8. Mr. Cecil Edward Gibbon, M.L.A.
9. Mr. Shankar Tryambak Dharmadhikar.
10. Guru Agamdas Agarmandas, M.L.A.
11. Dr. Punjabrao Shamrao Deshmukh.
12. Mr. B.A. Mandloi, M.L.A.
13. Mr. H.J. Khandekar.
14. Mr. L.S. Bhatkar, M.L.A.

ASSAM

1. The Hon'ble Srijut Gopinath Bardoloi.
2. The Hon'ble Rev. J.J.M. Nichols-Roy.
3. Srijut Omeo Kumar Das, M.L.A.
4. The Hon'ble Srijut Basanta Kumar Das.
5. Srijut Dharanidhar Basu Matari, M.L.A.
6. Srijut Rohini Kumar Chaudhury, M.L.A. (Central).
7. Babu Akshay Kumar Das, M.L.A.

N.W.F. PROVINCE

1. Maulana Abul Kalam Azad.
2. Khan Abdul Ghaffar Khan.

ORISSA

1. The Hon'ble Sri Hare-Krushna Mahtab.
2. Mrs. Malati Chowdhury.

3. Sri Biswanath Das.
4. Sri Bodhram Dube, M.L.A.
5. Sri Lakshminarayan Sahu, M.L.A.
6. Mr. B. Das.
7. Sri Nandakishore Das.
8. Sri Raj Krushna Bose, M.L.A.
9. Sri Santanu Kuram Das, M.L.A.

The Chairman (Dr. Sachchidananda Sinha): It has been brought to my notice that there is no Speaker in Sind as there is no legislature there now. Under the circumstances, the Secretary of the Assembly there, has signed the credentials certificates. They may be accepted.

SIND

1. Mr. Jairamdas Daulatram.

DELHI

1. The Hon'ble Mr. M. Asaf Ali.

AJMER-MERWARA

1. Pt. Mukut Bihari Lal Bhargava, M.L.A. (Central).

COORG

1. Mr. C. M. Poonacha, M.L.C.

The Chairman (Dr. Sachchidananda Sinha): If any Hon'ble Member's name has not been called through oversight, he will stand and his name will be called out. He will then come and sign his name in the Register.

(No one stood up.)

The Chairman (Dr. Sachchidananda Sinha): That finishes our agenda for today. Therefore, there will be no sitting in the afternoon. The Assembly will meet tomorrow. A new agenda will be prepared, which is not yet ready. I have asked the Constitutional Adviser's Office to circulate the agenda to Hon'ble Members, if possible by this evening, and I hope it may be done. If you so desire, the Assembly will meet at 11.00 A.M. or 11.30 A.M.

Many Hon'ble Members: 11.00 A.M.

The Chairman (Dr. Sachchidananda Sinha): We shall meet at 11.00 A.M.

The Assembly then adjourned till Tuesday, the 10th December 1946, at 11.00 A.M.

The President of the Constituent Assembly, Dr. Rajendra Prasad addressing the Assembly

THE OBJECTIVES RESOLUTION

PT. JAWAHARLAL NEHRU ON DECLARATION OF OBJECTIVES

13 DECEMBER 1946

In this Constituent Assembly we are functioning on a world stage and the eyes of the world are upon us and the eyes of our entire past are upon us. Our past is witness to what we are doing here and though the future is still unborn, the future too some how looks at us.

I beg to move:

(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution; and

(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to Justice and the law of civilised nations; and

(8) this ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

Sir, this is the fifth day of this first session of the Constituent Assembly. Thus far we have laboured on certain provisional and procedural matters which are essential. We have a clear field to work upon; we have to prepare the ground and we have been doing that these few days. We have still much to do. We have to pass our Rules of Procedure and to appoint Committees and the like, before we can proceed to the real step, to the real work of this Constituent Assembly, that is, the high adventure of giving shape, in the printed and written word, to a Nation's dream and aspiration. But even now, at this stage, it is surely desirable that we should give some indication to ourselves, to those who look to this Assembly, to those millions in this country who are looking up to us and to the world at large, as to what we may do, what we seek to achieve, whither we are going. It is with this purpose that I have placed this Resolution before this House. It is a Resolution and yet, it is something much more than a resolution. It is a Declaration. It is a firm resolve. It is a pledge and an undertaking and it is for all of us I hope a dedication. And I wish this House, if I may say so respectfully, should consider this Resolution not in a spirit of narrow legal wording, but rather to look at the spirit behind that Resolution. Words are magic things often enough, but even the magic of words sometimes cannot convey the magic of the human spirit and of a Nation's passion. And so, I cannot say that this Resolution at all conveys the passion that lies in the hearts and the minds of the Indian people today. It seeks very feebly to tell the world of what we have thought or dreamt of so long, and what we now hope to achieve in the near future. It is in that spirit that I venture to place this Resolution before the House and it is in that spirit that I trust the House will receive it and ultimately pass it. And may I, Sir, also, with all respect, suggest to you and to the House that when the time comes for the passing of this Resolution let it be not done in the formal way by the raising of hands, but much more solemnly, by all of us standing up and thus taking this pledge anew.

The House knows that there are many absentees here and many members who have a right to come here, have not come. We regret that fact because we should have liked to associate with ourselves as many people, as many representatives from the different parts of India and different groups as possible. We have undertaken a tremendous task and we seek the co-operation of all people in that task; because the future of India that we have envisaged is not confined to any group or section or province or other,

Pandit Jawaharlal Nehru addressing the Constituent Assembly

but it comprises all the four hundred million people of India, and it is with deep regret that we find some benches empty and some colleagues, who might have been here, absent. I do feel, I do hope that they will come and that this House, in its future stages, will have the benefit of the cooperation of all. Meanwhile, there is a duty cast upon us and that is to bear the absentees in mind, to remember always that we are here not to function for one party or one group, but always to think of India as a whole and always to think of the welfare of the four hundred millions that comprise India. We are all now, in our respective spheres, partymen, belonging to this or that group and presumably we shall continue to act in our respective parties. Nevertheless, the time comes when we have to rise above party and think of the Nation, think sometimes of even the world at large of which our Nation is a great part. And when I think of the work of this Constituent Assembly, it seems to me, the time has come when we should, so far as we are capable of it, rise above our ordinary selves and party disputes and think of the great problem before us in the widest and most tolerant and most effective manner so that, whatever we may produce, should be worthy of India as a whole and should be such that the world should recognise that we have functioned, as we should have functioned, in this high adventure.

There is another person who is absent here and who must be in the minds of many of us today—the great leader of our people, the father of our Nation who has been the architect of this Assembly and all that has gone before it and possibly of much that will follow. He is not here because, in pursuit of his ideals, he is ceaselessly working in a far corner of India. But I have no doubt that his spirit hovers over this place and blesses our undertaking.

As I stand here, Sir, I feel the weight of all manner of things crowding around me. We are at the end of an era and possibly very soon we shall embark upon a new age; and my mind goes back to the great past of India, to the 5,000 years of India's history, from the very dawn of that history which might be considered almost the dawn of human history, till today. All that past crowds around me and exhilarates me and, at the same time, somewhat oppresses me. Am I worthy of that past? When I think also of the future, the greater future I hope, standing on this sword's edge of the present between this mighty past and the mightier future, I tremble a little and feel overwhelmed by this mighty task. We have come here at a strange moment in India's history. I do not know but I do feel that there is some magic in this moment of transition from the old to the new, something of that magic which one sees when the night turns into day and even though the day may be a cloudy one, it is day after all, for when the clouds move away, we can see the sun later on. Because of all this I find a little difficulty in addressing this House and putting all my ideas before it and I feel also that in this long succession of thousands of years, I see

the mighty figures that have come and gone and I see also the long succession of our comrades who have laboured for the freedom of India. And now we stand on the verge of this passing age, trying, labouring, to usher in the new. I am sure the House will feel the solemnity of this moment and will endeavour to treat this Resolution which it is my proud privilege to place before it in that solemn manner. I believe there are a large number of amendments coming before the House. I have not seen most of them. It is open to the House, to any member of this House, to move any amendment and it is for the House to accept it or reject it, but I would, with all respect, suggest that this is not a moment for us to be technical and legal about small matters when we have big things to face, big things to say and big things to do, and therefore I would hope that the House would consider this Resolution in this big manner and not lose itself in wordy quarrels and squabbles.

I think also of the various Constituent Assemblies that have gone before and of what took place at the making of the great American nation when the fathers of that nation met and fashioned out a constitution which has stood the test of so many years, more than a century and a half, and of the great nation which has resulted, which has been built up on the basis of that Constitution. My mind goes back to that mighty revolution which took place also over 150 years ago and to that Constituent Assembly that met in that gracious and lovely city of Paris which has fought so many battles for freedom, to the difficulties that that Constituent Assembly had and to how the King and other authorities came in its way, and still it continued. The House will remember that when these difficulties came and even the room for a meeting was denied to the then Constituent Assembly, they betook themselves to an open tennis court and met there and took the oath, which is called the Oath of the Tennis Court, that they continued meeting in spite of Kings, in spite of the others, and did not disperse till they had finished the task they had undertaken. Well, I trust that it is in that solemn spirit that we too are meeting here and that we, too, whether we meet in this chamber or other chambers, or in the fields or in the market-place, will go on meeting and continue our work till we have finished it.

Then my mind goes back to a more recent revolution which gave rise to a new type of State, the revolution that took place in Russia and out of which has arisen the Union of the Soviet Socialist Republics, another mighty country which is playing a tremendous part in the world, not only a mighty country but for us in India, a neighbouring country.

So our mind goes back to these great examples and we seek to learn from their success and to avoid their failures. Perhaps we may not be able to avoid failures because some measure of failure is inherent in human effort. Nevertheless, we shall advance, I am certain, in spite of obstructions

and difficulties, and achieve and realise the dream that we have dreamt so long. In this Resolution which the House knows, has been drafted with exceeding care, we have tried to avoid saying too much or too little. It is difficult to frame a resolution of this kind. If you say too little, it becomes just a pious resolution and nothing more. If you say too much, it encroaches on the functions of those who are going to draw up a Constitution, that is, on the functions of this House. This Resolution is not a part of the Constitution we are going to draw up and it must not be looked at as such. This House has perfect freedom to draw up that Constitution and when others come into this House, they will have perfect freedom too to fashion that Constitution. This Resolution therefore steers between these two extremes and lays down only certain fundamentals which I do believe, no group or party and hardly any individual in India can dispute. We say that it is our firm and solemn resolve to have an Independent sovereign republic. India is bound to be sovereign, it is bound to be independent and it is bound to be a republic. I will not go into the arguments about monarchy and the rest, but obviously we cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have an external monarchy and we cannot have a research for some local monarchies. It must inevitably be a republic. Now, some friends have raised the question: Why have you not put in the word "democratic" here? Well, I told them that it is conceivable, of course, that a republic may not be democratic but the whole of our past is witness to this fact that we stand for democratic institutions. Obviously we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter? The democracies of the present day, many of them in Europe and elsewhere, have played a great part in the world's progress. Yet it may be doubtful if those democracies may not have to change their shape somewhat before long if they have to remain completely democratic. We are not going just to copy, I hope, a certain democratic procedure or an institution of a so-called democratic country. We may improve upon it. In any event whatever system of Government we may establish here must fit in with the temper of our people and be acceptable to them. We stand for democracy, It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope. The House will notice that in this Resolution, although we have not used the word 'democratic' because we thought it is obvious that the word 'republic' contains that word and we did not want to use unnecessary words and redundant words, but we have done something much more than using the word. We have given the content of democracy in this Resolution and not only the content of democracy but the content, if I may say so, of economic democracy in this Resolution. Others might take objection to this Resolution on the ground that we have not said that it should be a Socialist State. Well, I stand for Socialism and, I hope, India will stand for Socialism and that India will go towards the constitution of a Socialist State and I do

believe that the whole world will have to go that way. What form of Socialism again is another matter for your consideration. But the main thing is that in such a Resolution, if, in accordance with my own desire, I had put in, that we want a Socialist State, we would have put in something which may be agreeable to many and may not be agreeable to some and we wanted this Resolution not to be controversial in regard to such matters. Therefore we have laid down, not theoretical words and formulae, but rather the content of the thing we desire. This is important and I take it there can be no dispute about it. Some people have pointed out to me that our mentioning a republic may somewhat displease the Rulers of Indian States. It is possible that this may displease them. But I want to make it clear personally and the House knows that I do not believe in the monarchical system anywhere, and that in the world today monarchy is a fast disappearing institution. Nevertheless, it is not a question of my personal belief in this matter. Our view in regard to these Indian States has been, for many years, first of all that the people of those States must share completely in the freedom to come. It is quite inconceivable to me that there should be different standard and degrees of freedom as between the people in the States and the people outside the States. In what manner the States will be parts of that Union, that is a matter for this House to consider with the representatives of the States. And I hope in all matters relating to the States, this House will deal with the real representatives of the States. We are perfectly willing, I take it, to deal in such matters as appertain to them, with the Rulers or their representatives also, but finally when we make a constitution for India, it must be through the representatives of the people of the States as with the rest of India. Who are present here. In any event, we may lay down or agree that the measure of freedom must be the same in the States as elsewhere. It is a possibility and personally I should like a measure of uniformity too in regard to the apparatus and machinery of Government. Nevertheless, this is a point to be considered in co-operation and in consultation with the States. I do not wish, and I imagine this Constituent Assembly will not like, to impose anything on the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it. The House will remember that even in the British Commonwealth of Nations today, Eire is a Republic and yet in many ways it is a member of the British Commonwealth. So, it is a conceivable thing. What will happen, I do not know because that is partly for this House and partly for others to decide. There is no incongruity or impossibility about a certain definite form of administration in the States, provided there is complete freedom and responsible Government there and the people really are in charge. If monarchical figure-heads are approved by the people of the State, of a particular State, whether I like it or not, I certainly will not like to interfere. So I wish to make it clear that so far as this Resolution or Declaration is concerned, it does not interfere in any way with any future

work that this Constituent Assembly may do, with any future negotiations that it may undertake. Only in one sense, if you like, it limits our work, if you call that a limitation, *i.e.*, we adhere to certain fundamental propositions which are laid down in this Declaration. Those fundamental propositions, I submit, are not controversial in any real sense of the word. Nobody challenges them in India and nobody ought to challenge them and if anybody does challenge, well, we accept that challenge and we hold our position.

Well, Sir, we are going to make a constitution for India and it is obvious that what we are going to do in India, is going to have a powerful effect on the rest of the world, not only because a new free independent nation comes out into the arena of the world, but because of the very fact that India is such a country that by virtue, not only of her large size and population, but of her enormous resources and her ability to exploit those resources, she can immediately play an important and a vital part in world affairs. Even today, on the verge of freedom as we are today, India has begun to play an important part in world affairs. Therefore, it is right that the framers of our Constitution should always bear this larger international aspect in mind.

We approach the world in a friendly way. We want to make friends with all countries. We want to make friends in spite of the long history of conflict in the past, with England also. The House knows that recently I paid a visit to England. I was reluctant to go for reasons which the House knows well. But I went because of a personal request from the Prime Minister of Great Britain. I went and I met with courtesy everywhere. And yet at this psychological moment in India's history when we wanted, when we hungered for messages of cheer, friendship and co-operation from all over the world and more especially from England, because of the past contact and conflict between us, unfortunately, I came back without any message of cheer, but with a large measure of disappointment. I hope that the new difficulties that have arisen, as every one knows, because of the recent statements made by the British Cabinet and by others in authority there, will not come in our way and that we shall yet succeed in going ahead with the co-operation of all of us here and those who have not come. It has been a blow to me, and it has hurt me that just at the moment when we are going to stride ahead, obstructions were placed in our way, new limitations were mentioned which had not been mentioned previously and new methods of procedure were suggested. I do not wish to challenge the *bona fides* of any person, but I wish to say that whatever the legal aspect of the thing might be, there are moments when law is a very feeble reed to rely upon, when we have to deal with a nation which is full of the passion for freedom. Most of us here during the past many years, for a generation or more have often taken part in the struggle for India's freedom. We have gone through the valley of the shadow. We are used to

it and if necessity arises we shall go through it again. Nevertheless, through all this long period we have thought of the time when we shall have an opportunity not merely to struggle, not merely to destroy, but to construct and create. And now when it appeared that the time was coming for constructive effort in a free India to which we looked forward with joy, fresh difficulties are placed in our way at such a moment. It shows that, whatever force might be behind all this, people who are able and clever and very intelligent, somehow lack the imaginative daring which should accompany great offices. For, if you have to deal with any people, you have to understand them imaginatively; you should understand them emotionally; and of course, you have also to understand them intellectually. One of the unfortunate legacies of the past has been that there has been no imagination in the understanding of the Indian problem. People have often indulged in, or have presumed to give us advice, not realising that India, as she is constituted today, wants no one's advice and no one's imposition upon her. The only way to influence India is through friendship and co-operation and goodwill. Any attempt at imposition, the slightest trace of patronage, is resented and will be resented. We have tried, I think honestly, in the last few months in spite of the difficulties that have faced us, to create an atmosphere of co-operation. We shall continue that endeavour. But I do very much fear that that atmosphere will be impaired if there is not sufficient and adequate response from others. Nevertheless, because we are bent on great tasks, I hope and trust, that we shall continue that endeavour and I do hope that if we continue, that we shall succeed. Where we have to deal with our own countrymen, we must continue that endeavour even though in our opinion some countrymen of ours take a wrong path. For, after all, we have to work together in this country and we have inevitably to co-operate, if not today, tomorrow or the day after. Therefore, we have to avoid in the present anything which might create a new difficulty in the creation of that future which we are working for. Therefore, so far as our own countrymen are concerned, we must try our utmost to gain their co-operation in the largest measure. But, co-operation cannot mean the giving up of the fundamental ideals on which we have stood and on which we should stand. It is not co-operation to surrender everything that has given meaning to our lives. Apart from that, as I said, we seek the co-operation of England even at this stage which is full of suspicion of each other. We feel that if that co-operation is denied, that will be injurious to India, certainly to some extent probably more so to England, and to some extent, to the world at large. We have just come out of the World War and People talk vaguely and rather wildly of new wars to come. At such a moment this New India is taking birth-renascent, vital, fearless. Perhaps it is a suitable moment for this new birth to take place out of this turmoil in the world. But we have to be cleared at this moment, we, who have this heavy task of constitution building. We have to think of this tremendous prospect of the present and the greater prospect of the

future and not get lost in seeking small gains for this group or that. In this Constituent Assembly we are functioning on a world stage and the eyes of the world are upon us and the eyes of our entire past are upon us. Our past is witness to what we are doing here and though the future is still unborn, the future too somehow looks at us, I think, and so, I would beg of this House to consider this Resolution in this mighty prospect of our past, of the turmoil of the present and of the great and unborn future that is going to take place soon. Sir, I beg to move.

THE OBJECTIVES RESOLUTION

"(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to Justice and the law of civilised nations; and

(8) this ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind."

This Resolution was unanimously adopted by the Constituent Assembly on 22 January, 1947. It provided the ideological framework which was to guide the process of framing the Constitution of India.

DR. S. RADHAKRISHNAN ON SIGNIFICANCE OF OBJECTIVES

20 JANUARY 1947

It is a socio-economic revolution that we are attempting to bring about. It is therefore necessary that we must re-make the material conditions; but apart from re-making the material conditions, we have to safeguard the liberty of the human spirit. It is no good creating conditions of freedom without producing a sense of freedom. The mind of man must have full liberty to flower and mature and to grow to its fullest stature. The progress of man is due to the play of his mind, now creating, now destroying, always transmuting.

I have great pleasure in commending this Resolution to the acceptance of the House. From the list of amendments tabled, I see that there are three different questions raised: whether a declaration of this character is essential; whether this is the proper time for considering such a declaration; and thirdly, whether the objectives included in this Resolution are matters of general agreement or they require modification or Amendment.

I believe that such a Declaration is essential. There are people who are suspicious, who are wavering, who are hostile, who look upon the work of this Constituent Assembly with considerable misgivings. There are people who affirm that, within the Cabinet Plan, it will not be possible for us to effect either real unity in the country or true freedom or economic security. They tell us that they have seen before squirrels move round in a cage, and that within the limits of this Cabinet Statement, it will not be possible for us to effect the revolutionary changes which the country is aiming at. They argue from history that revolutionary changes are generally effected by violent action overthrowing established Governments. The British people were able to end monarchical despotism that way; the United States of America attained her primary freedom through direct action; the French, the Bolshevist, the Fascist and the Nazi revolutions were also effected by similar methods. We are told that we can not effect revolutionary changes through peaceful methods, through negotiation and discussion in Constituent Assemblies. We reply that we have similar ends; we wish to bring about a fundamental alteration in the structure of Indian society. We wish to end our political and economic dependence, but those who are strong of spirit, those who are not short of sight, take their chances—they make their

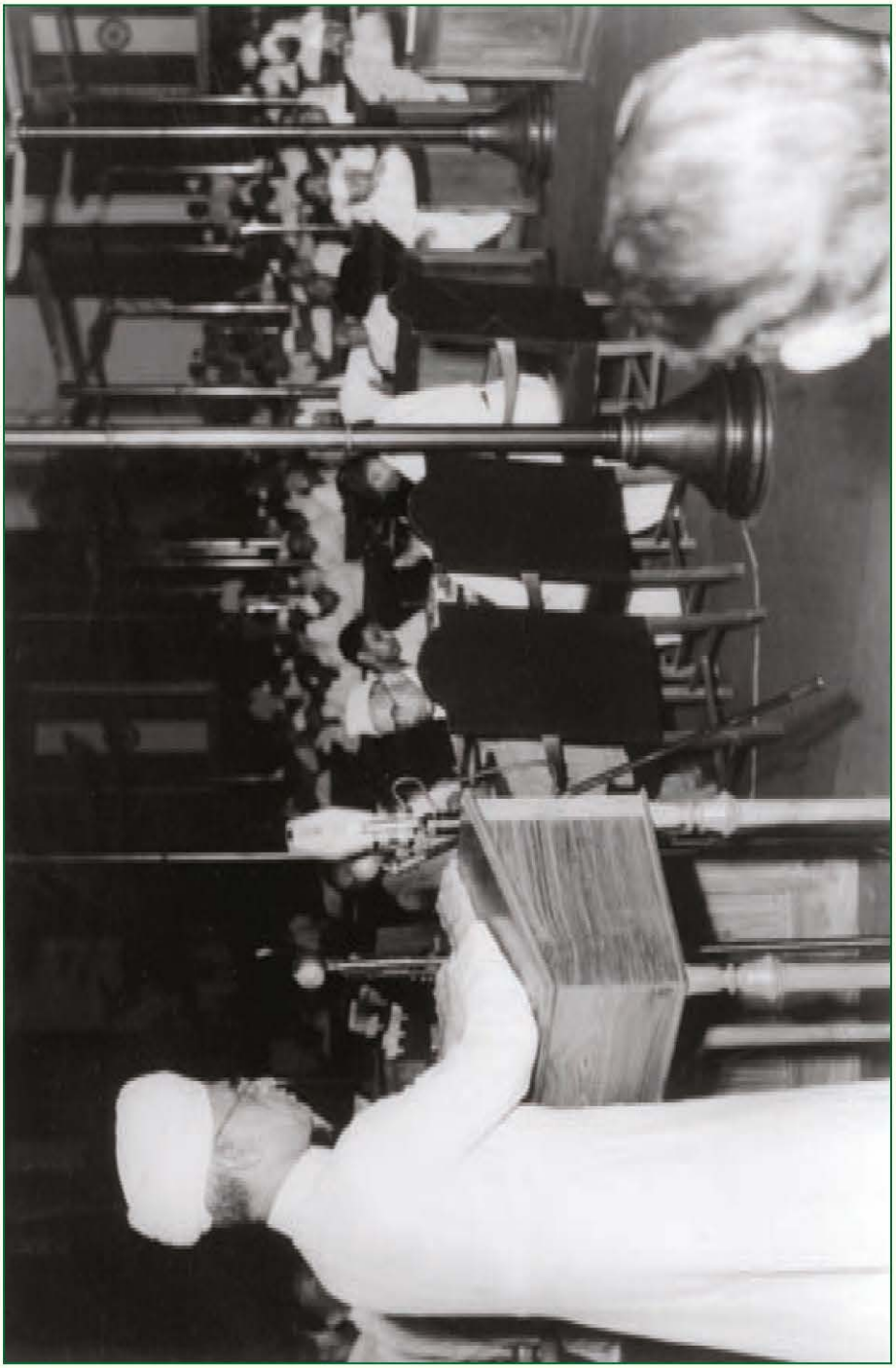
chances. Here is a chance that is open to us and we wish to use this to find out whether it will be possible for us to gain the revolutionary ends by methods which are unusual so far as past history is concerned. We want to try whether it will not be possible for us to effect a smooth and rapid transition from a state of serfdom to one of freedom. That is the undertaking which this particular Assembly has on hand. We wish to tell all those who are abstaining from this Assembly that it is not our desire to establish any sectional Government. We are not here asking anything for a particular community or a privileged class. We are here working for the establishment of Swaraj for all the Indian people. It will be our endeavour to abolish every vestige of despotism, every heir loom of inorganic tradition. We are here to bring about real satisfaction of the fundamental needs of the common man of this country, irrespective of race, religion or community. If the trumpet gives an uncertain sounds, we cannot rally the people to our support. It is therefore essential that our bugle call, our trumpet-sound, must be clear, must give the people a sense of exhilaration, must give the suspicious and the abstaining a sense of reassurance that we are here pledged to achieve full independence of India, where no individual will suffer from undeserved want, where no group will be thwarted in the development of its cultural life. Therefore I believe that a declaration of objectives of this character is essential and it is not necessary for us to wait till this Assembly is fuller than it happens to be at the present moment.

Now let us turn to the objectives themselves. We resolve that India shall be an Independent, Sovereign Republic. On the question of independence there is no difference of opinion. Premier Attlee, in his first statement, made on 15th March, said:

> "I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so; but if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. If, on the other hand, she elects for independence, in our view she has a right to do so."

The Muslim League and the Princes have all agreed to it. In the Memorandum on States' Treaties and Paramountcy, presented by the Cabinet Mission to the Chancellor of the Chamber of Princes on the 12th May, 1946, it is said that—

> "The Chamber has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that, if the Succession Government or Governments in British India declare independence, no obstacle would be placed in their way. They effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth."



Dr. S. Radhakrishnan addressing the Constituent Assembly

All those concerned with the future of India, the Congress, the Muslim League and other organisations and the Princes also, they all desire independence for India within or without the British Commonwealth.

Mr. Churchill, in the House of Commons, referring to His Majesty's Government's offer of independence, said on the 1st of July, 1946—

> "However, it is another matter when we try to short-circuit the process and say 'Take independence now'. That is what the Government are going to get and they are going to get it very soon. They should not blind themselves to the idea. There is going to be no hesitation on the part of those with whom the Government is dealing in taking full and immediate independence. That is what is going to happen."

This Resolution on the objectives does not wish to disappoint Mr. Churchill. It tells him that the expected is happening. You gave us the choice to get out of the British Commonwealth. We are electing to go out of the British Commonwealth. May I say why? So far as India is concerned, it is not a mere Dominion like Australia, like New Zealand or Canada or South Africa. These latter are bound to Great Britain by ties of race, religion and culture. India has a vast population, immense natural resources, a great cultural heritage and has had an independent career for a very long time, and it is inconceivable that India can be a Dominion like the other Dominions.

Secondly, let us consider the implications of what happened at the United Nations Organisation, when the Indian Delegation, headed by our distinguished colleague, Mrs. Vijayalakshmi Pandit, so ably defended the rights of Indians in South Africa—look at the attitude that was adopted by Great Britain. Great Britain along with Canada and Australia supported South Africa, New Zealand abstaining from voting. It shows that there is a community of ideals between Great Britain and the other Dominions in which India has no share. There is no sense of belonging in the British Commonwealth. We do not feel that we are all members, enjoying similar rights as parts of the British Commonwealth. Some of you may also have heard of the recent move launched by Mr. Churchill and Lord Templewood for a European Union under the fostering care and leadership of Great Britain. That also shows in what way the wind is blowing.

Yet, even though India may elect to quit the British Commonwealth, there are a hundred different ways of voluntary co-operation, ways of mutual collaboration, in trade, in defence, in matters of culture; but whether all these forms of mutual co-operation are going to develop in a spirit of friendship, trust and harmony, or whether they will be allowed to die out in mutual distrust and recrimination, depends entirely on the attitude which Great Britain will adopt in this crises. This Resolution about the Indian Republic seems to have irritated Mr. Churchill and his followers. Our Chairman today referred to one statement by Mr. Churchill and I will refer to some others.

When the debate on Burma took place, Mr. Churchill stated that the annexation of Burma happened during his father's Secretaryship and that now Burma is given the liberty to get out of the British Commonwealth. He seems to look upon Burma and India as parts of his ancestral estate and now when they are passing out, he seems to be terribly disheartened.

On the debate on India, he asked His Majesty's Government to remember its obligations "to the Muslims, numbering 90 millions, who comprised the majority of the fighting elements of India"—truth is not rated high in Indian debates and international intercourse—"and of untouchables of anything from 40 to 60 millions." He refers to the representatives of the Great Congress Party as the mouthpiece "of actively organised and engineered minorities who, having seized upon power by force, or fraud or chicanery, go forward and use that power in the name of vast masses with whom they have long since lost all effective connection." A party of men who have braved the perils of life, who have suffered for their patriotism whose love of country and capacity for sacrifice are second to none in the whole world who are led by one who is today leading a lonely trek in a far off corner of India, bearing on his ageing shoulders the burden of a nation's shame and sorrow, to talk of that party in the way in which Mr. Churchill has done is—I do not know how to describe it. Mr. Churchill's outbursts are bereft of dignity or discretion. Provocative and irrelevant remarks, sneers of derision in regard to our communal divisions, have punctuated his speech on that occasion and on other occasions. I shall only say here that such speeches and such statements cannot prevent the end but can only postpone it and thus prolong the agony. The British connection will end, it must end. Whether it ends in friendship and goodwill or in convulsions and agony, depends upon the way in which the British people treat this great problem.

Republic is a word which has disturbed some of the representatives of the States in this country. We have said from this platform that a Republican India does not mean the abolition of Princely rule. Princes may continue; Princes will be there so long as they make themselves constitutional so long as they make themselves responsible to the people of the States. If the great paramount power which is sovereign in this country by conquest, is now transferring responsibility to the representatives of the people, it goes without saying that those who depend on that paramount power should do what the British have done. They must also transfer responsibility to the representatives of the people.

We cannot say that the republican tradition is foreign to the genius of this country. We have had it from the beginning of our history. When a few merchants from the north went down to the south, one of the Princes of the Deccan asked the question, "Who is your King?" The answer was, "Some of us are governed by assemblies, some of us by kings."

Kecid deso ganadhina kecid rajadhina

Panini, Megasthenes and Kautilya refer to the Republics of Ancient India. The Great Buddha belonged to the Republic of Kapilavastu.

Much has been said about the sovereignty of the people. We have held that the ultimate sovereignty rests with the moral law, with the conscience of humanity. People as well as kings are subordinate to that. Dharma, righteousness, is the king of kings.

Dharmam Kshatrasya Kshatram

It is the ruler of both the people and the rulers themselves. It is the sovereignty of the law which we have asserted. The Princes—I count many of them amongst my personal friends—have agreed with the Cabinet Statement and wished to take their share in the future development of this country, and I do hope that they will realise that it is their duty to take notice of the surging hopes of their peoples and make themselves responsible. If they do so, they will play a notable part in the shaping of our country. We have no ill-will towards the Princes. The assertion of republicanism, the assertion of the sovereignty of the people, do not in any manner indicate any antagonism to the Princely rule itself. They do not refer to the present facts of past history of the Indian States but they indicate the future aspirations of the peoples of the States.

The next thing that we find in this Resolution is about the Union of India. The Cabinet Statement has ruled out the partition of India. Geography is against it. Military strategy is against it. The aspirations of Hindus, Muslims and Sikhs from the very beginning have been against it. The present tendency is for larger and larger aggregations. Look at what has happened in America, in Canada and Switzerland. Egypt wishes to be connected with Sudan, South Ireland wishes to be connected with North Ireland. Palestine is protesting against any division. Again nationalism, not religion, is the basis of modern life. Allenby's liberating campaigns in Egypt, Lawrence's adventures in Arabia, Kemal Pasha's defiant creation of a secular Turkey, point out that the days of religious States are over. These are the days of nationalism. The Hindus and Muslims have lived together in this country for over a thousand years. They belong to the same land, speak the same language. They have the same racial ancestry. They have a common destiny to work for. They interpenetrate one another. It is not a kind of Ulster, which we can separate; but our Ulster is a ubiquitous one. Even if we have two States, there will be large minorities and these minorities, whether really oppressed or not, will look across their frontiers and ask for protection. This will be a source of continual strife which will go on, as long as we do not have a United India. We realise that while a strong Centre is essential to mould all the peoples into one united whole, on account of the grievances real or imaginary, we have to be satisfied with a Centre which is limited to the three subjects, which the Cabinet Plan has put before us. Therefore, we are proceeding on the principle of Provincial Autonomy, with the residuary

powers to the Provinces themselves. Events that have happened in Bihar and Bengal, tell us that there is an urgent need for a strong Centre. Yet as there are these difficulties, we propose to develop a multi-national State which will give adequate scope for the play of variations among the different cultures themselves.

Grouping has given us a lot of trouble. But grouping is subject to two essential factors—which are the integral parts of the Cabinet Plan,—a Union Centre and residuary powers in the Provinces; and in these Groups also we will have large minorities. Those who are insistent on the rights of minorities will have to concede these rights to others who happen to be included in the Groups. In a statement made by Sir Stafford Cripps on July 18, 1946, he said:

> "A fear was expressed that somehow or other the new Provincial Constitutions might be so manoeuvred as to make it impossible for the Provinces afterwards to opt out. I do not myself see how such a thing would be possible, but if anything of that kind were to be attempted, it would be a clear breach of the basic understanding of this Scheme."

That is what Sir Stafford Cripps said. If any attempt is made to so manipulate electorates as to make it difficult for the Provinces to opt out, then that would be, in the words of Sir Stafford Cripps, "a clear breach of the basic understanding of this Scheme". After all we have to live together and it is impossible to impose any constitution against the wishes of the people who are to be governed by that Constitution.

There is also a reference to fundamental rights in this Resolution. It is a socio-economic revolution that we are attempting to bring about. It is therefore necessary that we must re-make the material conditions; but apart from re-making the material conditions, we have to safeguard the liberty of the human spirit. It is no good creating conditions of freedom without producing a sense of freedom. The mind of man must have full liberty to flower and mature and to grow to its fullest stature. The progress of man is due to the play of his mind, now creating now destroying, always transmuting. We must safeguard the liberty of the human spirit against the encroachments of the State. While State regulation is necessary to improve economic conditions, it should not be done at the expense of the human spirit.

We are actors today in a great historical drama. We are involved in it and therefore we are unable to perceive the large contours of it. This declaration, which we make today, is of the nature of a pledge to our own people and a pact with the civilized world.

The question was put by Mr. Churchill to Mr. Alexander whether this Assembly is functioning validly. Mr. Alexander said:

> "I repeat the scheme for elections for the Constituent Assembly was carried out. If the Muslim League abstained from going there, how can you prevent a duly elected Assembly from going on to do its business?"

That is what Mr. Alexander said. There was some difficulty about the interpretation of the grouping. Much against its will, the Congress has accepted His Majesty's Government's interpretation. The only two clauses that remain are adequate safeguards for minorities, and a treaty on the problems which arise out of transfer of power. The Constituent Assembly is legally functioning. Every part of the State Paper has been completely accepted and if we are able to frame adequate safeguards for minorities, safeguards which will satisfy not so much the British or our own people, but the civilized conscience of the world, then while yet the British have the power to put it into action, they must give this Constitution the force of law. It is essential that they should do so. If after all these conditions are satisfied, if some excuse is invented for postponing the independence of India, it would be the most callous betrayal of history. If, on the other hand, the British argue that the Constituent Assembly has started functioning on the basis of the Cabinet Plan and they have accepted every clause of the State Paper of May 16, and have provided adequate safeguards for all minorities and therefore they should implement it, then it will be an achievement of history which will secure the co-operation and goodwill of two great peoples.

In that very speech which Mr. Attlee made as the Prime Minister on March 15th, he said: "In the mass of Asia, an Asia ravaged by war, we have here the one country that has been seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia....." nay, the light of the world giving to its distracted mind an integral vision and to its bewildered will an upward direction.

Here are the two alternatives. Accept the Constituent Assembly. Take its findings. Find out whether there are adequate safeguards for minorities or not. If they are there, give them the force of law and you may get cooperation. If, after all these conditions are fulfilled, you still try to make out that something is lacking, the British will be understood as violating the spirit of the whole State Paper, and the dark possibilities which will lie ahead of us in the present world conditions, I do not wish to contemplate.

REPLY TO THE DEBATE ON OBJECTIVES RESOLUTION BY PT. JAWAHARLAL NEHRU

22 JANUARY 1947

This Resolution will lead us to a Constitution... the Constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress, that it will lead also to the freedom of the other countries of Asia because in a sense, however unworthy we have become—let us recognise it—the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms.

Mr. President, it was my proud privilege, Sir, six weeks ago, to move this Resolution before this Hon'ble House I felt the weight and solemnity of that occasion. It was not a mere form of words that I placed before the House, carefully chosen as those words were. But those words and the Resolution represented something far more; they represented the depth of our being; they represented the agony and hopes of the nation coming at last to fruition. As I stood here on that occasion I felt the past crowding round me, and I felt also the future taking shape. We stood on the razor's edge of the present, and as I was speaking, I was addressing not only this Hon'ble House, but the millions of India, who were vastly interested in our work. And because I felt that we were coming to the end of an age, I had a sense of our forbears watching this undertaking of ours and possibly blessing it, if we moved aright, and the future, of which we became trustees, became almost a living thing, taking shape and moving before our eyes. It was a great responsibility to be trustees of the future, and is was some responsibility also to be inheritors of the great past of ours. And between that great past and the great future which we envisage, we stood on the edge of the present and the weight of that occasion, I have no doubt, impressed itself upon this Hon'ble House.

So, I placed this Resolution before the House, and I had hoped that it could be passed in a day or two and we could start our other work immediately. But after a long debate this House decided to postpone further consideration of this Resolution. May I confess that I was a little disappointed because I was impatient that we should go forward? I felt that we were not true to the pledges that we had taken by lingering on the road. It was a

bad beginning that we should postpone even such an important Resolution about objectives. Would that imply that our future work would go along slowly and be postponed from time to time? Nevertheless, I have no doubt, that the decision this House took in its wisdom in postponing this Resolution, was a right decision, because we have always balanced two factors, one the urgent necessity in reaching our goal, and the other, that we should reach it in proper time and with as great a unanimity as possible. It was right, therefore, if I may say with all respect, that this House decided to adjourn consideration of this motion and thus not only demonstrated before the world our earnest desire to have all those people here who have not so far come in here, but also to assure the country and every one else, how anxious we were to have the cooperation of all. Since then six weeks have passed, and during these weeks there has been plenty of opportunity for those, who wanted to come. Unfortunately, they have not yet decided to come and they still hover in this state of indecision. I regret that, and all I can say in this, that we shall welcome them at any future time when they may wish to come. But it should be made clear without any possibility of misunderstanding that no work will be held up in future, whether any one comes or not. There has been waiting enough. Not only waiting six weeks, but many in this country have waited for years and years, and the country has waited for some generations now. How long are we to wait? And if we, some of us, who are more prosperous can afford to wait, what about the waiting of the hungry and the starving? This Resolution will not feed the hungry or the starving, but it brings a promise of many things—it brings the promise of freedom, it brings the promise of food and opportunity for all. Therefore, the sooner we set about it the better. So we waited for six weeks, and during these six weeks the country thought about it, pondered over it, and other countries also, and other people who are interested have thought about it. Now we have come back here to take up the further consideration of this Resolution. We have had a long debate and we stand on the verge of passing it. I am grateful to Dr. Jayakar and Mr. Sahaya for having withdrawn their amendments. Dr. Jayakar's purpose was served by the postponing of this Resolution, and it appears now that there is no one in this House who does not accept fully this Resolution as it is. It may be, some would like it to be slightly differently worded or the emphasis placed more on this part or on that part. But taking it as a whole, it is a resolution which has already received the full assent of this House, and there is little doubt that it has received the full assent of the country.

There have been some criticisms of it, notably, from some of the Princes. Their first criticism has been that such a Resolution should not be passed in the absence of the representatives of the States. In part I agree with that criticism, that is to say, I should have liked all the States being properly represented here, the whole of India—every part of India being properly represented here—when we pass this Resolution. But if they are not here it is not our fault. It is largely the fault of the Scheme under

which we are functioning, and we have this choice before us. Are we to postpone our functioning because some people cannot be here? That would be a dreadful thing if we stopped not only this Resolution, but possibly so much else, because representatives of the States are not here. So far as we are concerned, they can come in at the earliest possible moment, we will welcome them if they send proper representatives of the States. So far as we are concerned, even during the last six weeks or a month, we have made some effort to get into touch with the committee representing the States' Rulers to find a way for their proper representation here. It is not our fault that there has been any delay. We are anxious to get every one in, whether it is the representatives of the Muslim League or the States or any one else. We shall continue to persevere in this endeavour so that this House may be as fully representative of the country as it is possible to be. So, we cannot postpone this Resolution or anything else because some people are not here.

Another point has been raised: the idea of the sovereignty of the people, which is enshrined in this Resolution, does not commend itself to certain rulers of Indian States. That is a surprising objection and, if I may say so, if that objection is raised in all seriousness by anybody, be he a Ruler or a Minister, it is enough to condemn the Indian States system of every Ruler or Minister that exists in India. It is a scandalous thing for any man to say, however highly placed he may be, that he is here by special divine dispensation to rule over human beings today. That is a thing which is an intolerable presumption on any man's part, and it is a thing which this House will never allow and will repudiate if it is put before it. We have heard a lot about this Divine Right of Kings; we had read a lot about it in past histories and we had thought that we had heard the last of it and that it had been put an end to and buried deep down into the earth long ages ago. If any individual in India or elsewhere raises it today, he would be doing so without any relation to the present in India. So, I would suggest to such persons in all seriousness that, if they want to be respected or considered with any measure of friendliness, no such idea should be even hinted at much less said. On this there is going to be no compromise.

But, as I made plain on the previous occasion when I spoke, this Resolution makes it clear that we are not interfering in the internal affairs of the States. I even said that we are not interfering with the system of monarchy in the States, if the people of the States so want it. I gave the example of the Irish Republic in the British Commonwealth and it is conceivable to me that within the Indian Republic, there might be monarchies if the people so desire. That is entirely for them to determine. This Resolution and, presumably, the Constitution that we make, will not interfere with that matter. Inevitably it will be necessary to bring about uniformity in the freedom of the various parts of India, because it is inconceivable to me

that certain parts of India should have democratic freedom and certain others should be denied it. That cannot be. That will give rise to trouble, just as in the wide world today there is trouble because some countries are free and some are not. Much more trouble will there be if there is freedom in parts of India and lack of freedom in other parts of India.

But we are not laying down in this Resolution any strict system in regard to the governance of the Indian States. All that we say is this that they, or such of them, as are big enough to form unions or group themselves into small unions, will be autonomous units with a very large measure of freedom to do as they choose, subject no doubt to certain central functions in which they will co-operate with the Centre, in which they will be represented in the Centre and in which the Centre will have control. So that, in a sense, this Resolution does not interfere with the inner working of those Units. They will be autonomous and, as I have said, if those Units choose to have some kind of constitutional monarchy at their head, they would be welcome to do so. For my part, I am for a Republic in India as anywhere else. But whatever my views may be on that subject, it is not my desire to impose my will on others; whatever the views of this House may be on this subject, I imagine that it is not the desire of this House to impose its will in these matters.

So, the objection of the Ruler of an Indian State to this Resolution becomes an objection, in theory, to the theoretical implications and the practical implications of the doctrine of sovereignty of the people. To nothing else does any one object. That is an objection which cannot stand for an instant. We claim in this Resolution to frame a constitution for a Sovereign, Independent, Indian Republic—necessarily Republic. What else can we have in India? Whatever the States may have or may not have, it is impossible and inconceivable and undesirable to think in any other terms but in terms of the Republic in India.

Now, what relation will that Republic bear to the other countries of the world, to England and to the British Commonwealth and the rest? For a long time past we have taken a pledge on Independence Day that India must sever her connection with great Britain, because that connection had become an emblem of British domination. At no time have we thought in terms of isolating ourselves in this part of the world from other countries or of being hostile to countries which have dominated over us. On the eve of this great occasion, when we stand on the threshold of freedom we do not wish to carry a trial of hostility with us against any other country. We want to be friendly to all. We want to be friendly with the British people and the British Commonwealth of Nations.

But what I would like this House to consider is this: When these words and these labels are fast changing their meaning and in the world today there is no isolation, you cannot live apart from the others. You must

co-operate or you must fight. There is no middle way. We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we, in common with other nations, can have is the objective of co-operating in building up some kind of world structure, call it 'One World', call it what you like. The beginnings of this world structure have been laid down in the United Nations Organisation. It is feeble yet; it has many defects; nevertheless, it is the beginning of the world structure. And India has pledged herself to cooperate in that work.

Now, if we think of that structure and our co-operation with other countries in achieving it, where does the question come of our being tied up with this Group of Nations or that Group? Indeed, the more groups and blocks are formed, the weaker will that great structure become.

Therefore, in order to strengthen that big structure, it is desirable for all countries not to insist, not to lay stress on separate groups and separate blocks. I know that there are such separate groups and blocks today and because they exist today, there is hostility between them, and there is even talk of war among them. I do not know what the future will bring to us, whether peace or war. We stand on the edge of a precipice and there are various forces which pull us on one side in favour of co-operation and peace, and on the other, push us towards the precipice of war and disintegration. I am not prophet enough to know what will happen, but I do know that those who desire peace must deprecate separate blocks which necessarily become hostile to other blocks. Therefore India, in so far as it has a foreign policy, has declared that it wants to remain independent and free of all these blocks and that it wants to cooperate on equal terms with all countries. It is a difficult position because, when people are full of fear of each other, any person who tries to be neutral is suspected of sympathy with the other party. We can see that in India and we can see that in the wider sphere of world politics. Recently an American statesman criticised India in words which show how lacking in knowledge and understanding even the statesmen of America are. Because we follow our own policy, this group of nations thinks that we are siding with the other and that group of nations thinks that we are siding with this. That is bound to happen. If we seek to be a free, independent, democratic republic, it is not to dissociate ourselves from other countries, but rather as a free nation to co-operate in the fullest measure with other countries for peace and freedom, to cooperate with Britain, with the British Commonwealth of Nations, with the United States of America, with the Soviet Union, and with all other countries, big and small. But real co-operation would only come between us and these other nations when we know that we are free to cooperate and are not imposed upon and forced to co-operate. So long as there is the slightest trace of compulsion, there can be no co-operation.

Therefore, I commend this Resolution to the House and I commend this Resolution, if I may say so, not only to this House but to the world at large so that it can be perfectly clear that it is a gesture of friendship to all, and, that behind it there lies no hostility. We have suffered enough in the past. We have struggled sufficiently, we may have to struggle again, but under the leadership of a very great personality we have sought always to think in terms of friendship and goodwill towards others, even those who opposed us. How far we have succeeded, we do not know, because we are weak human beings. Nevertheless, the impress of that message has found a place in the hearts of millions of people of this country, and even when we err and go astray, we cannot forget it. Some of us may be little men, some may be big, but whether we are small men or big, for the moment we represent a great cause and therefore something of the shadow of greatness falls upon us. Today in this Assembly we represent a mighty cause and this Resolution that I have placed before you gives some semblance of that cause. We shall pass this Resolution, and I hope that this Resolution will lead us to a constitution on the lines suggested by this Resolution. I trust that the constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress, that it will lead also to the freedom of the other countries of Asia, because in a sense, however unworthy we have become—let us recognise it—the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms. When some petty matter divides us and we have difficulties and conflicts amongst ourselves over these small matters, let us remember not only this Resolution but this great responsibility that we shoulder, the responsibility of the freedom of 400 million people of India, the responsibility of the leadership of a large part of Asia, the responsibility of being some kind of guide to vast numbers of people all over the world. It is a tremendous responsibility. If we remember it, perhaps we may not bicker so much over this seat or that post, over some small gain for this group or that. The one thing that should be obvious to all of us is this that there is no group in India, no party, no religious community, which can prosper if India does not prosper. If India goes down, we go down, all of us, whether we have a few seats more or less, whether we get a slight advantage or we do not. But if it is well with India, if India lives as a vital free country, then it is well with all of us to whatever community or religion we might belong.

We shall frame the Constitution, and I hope it will be a good Constitution, but does anyone in this House imagine that, when a free India emerges, it will be bound down by anything that even this House might lay down for it? A free India will see the bursting forth of the energy of a mighty nation. What it will do and what it will not, I do not know, but I do know that it will not consent to be bound down by anything. Some people imagine, that

what we do now, may not be touched for 10 years or 20 years, if we do not do it today, we will not be able to do it later. That seems to me a complete misapprehension. I am not placing before the House what I want done and what I do not want done, but I should like the House to consider that we are on the eve of revolutionary changes, revolutionary in every sense of the word, because when the spirit of a nation breaks its bonds, it functions in peculiar ways and it should function in strange ways. It may be that the Constitution, this House may frame, may not satisfy that free India. This House cannot bind down the next generation, or the people who will duly succeed us in this task. Therefore, let us not trouble ourselves too much about the petty details of what we do, those details will not survive for long, if they are achieved in conflict. What we achieve in unanimity, what we achieve by co-operation is likely to survive. What we gain here and there by conflict and by overbearing manners and by threats will not survive long. It will only leave a trail of bad blood. And so now I commend this Resolution to the House and may I read the last para of this Resolution? But one word more, Sir, before I read it. India is a great country, great in her resources, great in her manpower, great in her potential, in every way. I have little doubt that a Free India on every plane will play a big part on the world stage, even on the narrowest plane of material power, and I should like India to play that great part in that plane. Nevertheless, today there is a conflict in the world between forces in different planes. We hear a lot about the atom bomb and the various kinds of energy that it represents and in essence today there is a conflict in the world between two things, that atom bomb and what it represents and the spirit of humanity. I hope that while India will no doubt play a great part in all the material spheres, she will always lay stress on that spirit of humanity, and I have no doubt in my mind, that ultimately in this conflict, that is confronting the world, the human spirit will prevail over the atom bomb. May this Resolution bear fruit and may the time come when in the words of this Resolution, this ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind.

PT. JAWAHARLAL NEHRU-PRESENTING NATIONAL FLAG TO THE CONSTITUENT ASSEMBLY

22 JULY 1947

I do think that it is a very beautiful Flag to look at purely from the point of view of artistry, and it has come to symbolise many other beautiful things, things of the spirit, things of the mind, that give value to the individual's life and to the nation's life, for a nation does not live merely by material things, although they are highly important.

Mr. President, it is my proud privilege to move the following Resolution:

"Resolved that the National Flag of India shall be horizontal tricolour of deep Saffron (Kesari), white and dark green in equal proportion. In the centre of the white band, there shall be a Wheel in navy blue to represent the *Charkha*. The design of the Wheel shall be that of the Wheel (*Chakra*) which appears on the abacuse of the Sarnath Lion Capital of Asoka.

The diameter of the Wheel shall approximate to the width of the white band.

The ratio of the width to the length of the Flag shall ordinarily be 2:3."

This Resolution, Sir, is in simple language, in a slightly technical language and there is no glow or warmth in the words that I have read. Yet I am sure that many in this House will feel that glow and warmth which I feel at the present moment for behind this Resolution and the Flag which I have the honour to present to this House for adoption lies history, the concentrated history of a short span in a nation's existence. Nevertheless, sometimes in a brief period we pass through the track of centuries. It is not so much the mere act of living that counts but what one does in this brief life that is ours; it is not so much the mere existence of a nation that counts but what that nation does during the various periods of its existence; and I do venture to claim that in the past quarter of a century or so India has lived and acted in a concentrated way and the emotions which have filled the people of India represent not merely a brief spell of years but something infinitely more. They have gone down into history and tradition and have added themselves on to that vast history and tradition which is our heritage

in this country. So, when I move this Resolution, I think of this concentrated history through which all of us have passed during the last quarter of a century. Memories crowd in upon me. I remember the ups and downs of the great struggle for freedom of this great nation. I remember and many in this House will remember how we looked up to this Flag not only with pride and enthusiasm but with a tingling in our veins; also how, when we were sometimes down and out, then again the sight of this Flag gave us courage to go on. Then, many who are not present here today, many of our comrades who have passed, held on to this Flag, some amongst them even unto death and handed it over as they sank, to others to hold it aloft. So, in this simple form of words, there is much more than will be clear on the surface. There is the struggle of the people for freedom with all its ups and downs and trials and disasters and there is, finally today as I move this Resolution, a certain triumph about it—a measure of triumph in the conclusion of that struggle.

Now, I realise fully, as this House must realise, that this triumph of ours has been marred in many ways. There have been, especially in the past few months many happenings which cause us sorrow, which has gripped our hearts. We have seen parts of this dear motherland of ours cut off from the rest. We have seen large numbers of people suffering tremendously, large numbers wandering about like waifs and strays, without a home. We have seen many other things which I need not repeat to this House, but which we cannot forget. All this sorrow has dogged our footsteps. Even when we have achieved victory and triumph, it still dogs us and we have tremendous problems to face in the present and in the future. Nevertheless it is true I think—I hold it to be true—that this moment does represent a triumph and a victorious conclusion of all our struggles, for the moment.

There has been a very great deal of bewailing and moaning about various things that have happened. I am sad, all of us are sad at heart because of those things. But let us distinguish that from the other fact of triumph because there is triumph in victory, in what has happened. It is no small thing that that great and mighty empire which has represented imperialist domination in this country has decided to end its days here. That was the objective we aimed at.

We have attained that objective or shall attain it very soon. Of that there is no doubt. We have not attained the objective exactly in the form in which we wanted it. The troubles and other things that companied our achievement are not to our liking. But we must remember that it is very seldom that people realise the dreams that they have dreamt. It is very seldom that the aims and objectives with which we start are achieved in their entirety in life in an individual's life or in a nation's life.

Pandit Jawaharlal Nehru presenting the Flag to the Constituent Assembly (22 July 1947)

We have many examples before us. We need not go into the distant past. We have examples in the present or in the recent past. Some years back, a great war was waged, a world war bringing terrible misery to mankind. That war was meant for freedom and democracy and the rest. That war ended in the triumph of those who said they stood for freedom and democracy. Yet, hardly had that war ended when there were rumours of fresh wars and fresh conflicts.

Three days ago, this House and this country and the world was shocked by the brutal murder in a neighbouring country of the leaders of the nation. Today one reads in the papers of an attack by an imperialist power on a friendly country South-East Asia. Freedom is still far off in this world and nations, all nations in greater or lesser degree are struggling for their freedom. If we in the present have not exactly achieved what we aimed at, it is not surprising. There is nothing in it to be ashamed of. For I do think our achievement is no small achievement. It is a very considerable achievement, a great achievement. Let no man run it, down because other things have happened which are not to our liking. Let us keep these two things apart. Look at any country in the wide world. Where is the country today, including the great and big powers, which is not full of terrible problems, which is not in some way, politically and economically, striving for freedom which somehow or other eludes its grasp? The problems of India in this wider context do not appear to be terrible. The problems are not anything new to us. We have faced many disagreeable things in the past. We have not held back. We shall face all the other disagreeable things that face us in the present or may do so in the future and we shall not flinch and we shall not falter and we shall not quit.

So, in spite of everything that surrounds us, it is in no spirit of down heartedness that I stand up in praise of this Nation for what it has achieved. It is right and proper that at this moment we should adopt the symbols of this achievement, the symbol of freedom. Now what is this freedom in its entirety and for all humanity. What is freedom and what is the struggle for freedom and when does it end. As soon as you take one step forward and achieve something further steps come up before you. There will be no full freedom in this country or in the world as long as a single human being is unfree. There will be no complete freedom as long as there is starvation, hunger, lack of clothing, lack of necessaries of life and lack of opportunity of growth for every single human being, man, woman and child in the country. We aim at that. We may not accomplish that because it is a terrific task. But we shall do our utmost to accomplish that task and hope that our successors when they come, have an easier path to pursue. But there is no ending to that road to freedom. As we go ahead, just as we sometimes in our vanity aim at perfection, perfection never comes. But if we try hard enough we do approach the goal step by step. When we increase the

happiness of the people, we increase their stature in many ways and we proceed to our goal. I do not know if there is an end to this or not, but we proceed towards some kind of cosummation which in effect never ends.

So I present this Flag to you. This Resolution defines the Flag which I trust you will adopt. In a sense this Flag was adopted, not by a formal resolution, but by popular acclaim and usage, adopted much more by the sacrifice that surrounded it in the past few decades. We are in a sense only ratifying that popular adoption. It is a Flag which has been variously described. Some people, having misunderstood its significance, have thought of it in communal terms and believe that some part of it represents this community or that. But I may say that when this Flag was devised there was no communal significance attached to it. We thought of a design for a Flag which was beautiful, because the symbol of a nation must be beautiful to look at. We thought of a Flag which would in its combination and in its separate parts would somehow represent the spirit of the nation, the tradition of the nation, that mixed spirit and tradition which has grown up through thousands of years in India. So, we devised this Flag. Perhaps I am partial but I do think that it is a very beautiful Flag to look at purely from the point of view of artistry and it has come to symbolise many other beautiful things, things of the spirit, things of the mind, that give value to the individual's life and to the nation's life, for a nation does not live merely by material things, although they are highly important. It is important that we should have the good things of the world, the material possessions of the world, that our people should have the necessaries of life. That is of the utmost importance. Nevertheless, a nation, and especially a nation like India with an immemorial past, lives by other things also, the things of the spirit. If India had not been associated with these ideals and things of the spirit during these thousands of years, what would India have been? It has gone through a very great deal of misery and degradation in the past, but somehow even in the depths of degradation, the head of India has been held high, the thought of India has been high and the ideals of India have been high. So we have gone through these tremendous ages and we stand up today in proud thankfulness for our past and even more so for the future that is to come for which we are going to work and for which our successors are going to work. It is our privilege of those assembled here, to mark the transition in a particular way, in a way that will be remembered. I began by saying that it is my proud privilege to be ordered to move this Resolution. Now, Sir, may I say a few words about this particular Flag? It will be seen that there is a slight variation from the one many of us have used during these past years. The colours are the same, a deep saffron, a white and a dark green. In the white previously there was the *Charkha* which symbolised the common man in India, which symbolised the masses of the people, which symbolised their industry and which came to us from the message which Mahatma Gandhi delivered. Now, this particular *Charkha* symbol has

been slightly varied in this Flag, not taken away at all. Why then has this been varied? Normally speaking, the symbol on one side-of the Flag should be exactly the same as on the other side. Otherwise, there is a difficulty which goes against the rules. Now, the *Charkha,* as it appeared previously on this Flag, had the wheel on one side and the spindle on the other. If you see the other side of the Flag, the spindle comes the other way and the wheel comes this way; if it does not do so, it is not proportionate, because the wheel must be towards the pole, not towards the end of the Flag. There was this practical difficulty. Therefore, after considerable thought, we were of course convinced that this great symbol which had enthused people should continue but that it should continue in a slightly different form, that the wheel should be there, not the rest of the *Charkha,* that is the spindle and the string which created this confusion, that the essential part of the *Charkha* should be there, that is the wheel. So, the old tradition continue in regard to the *Charkha* and the wheel. But what type of wheel should we have? Our minds went back to many wheels but notably one famous wheel, which had appeared in many places and which all of us have seen, the one at the top of the capital of the Ashoka column and in many other places. That wheel is a symbol of India's ancient culture it is a symbol of the many things that India had stood for through the ages. So we thought that this *Chakra* emblem should be there and that wheel appears. For my part, I am exceedingly happy that in this sense indirectly we have associated with this Flag of ours not only this emblem but in a sense the name of Ashoka, one of the most magnificent names not only in India's history but in world history. It is well that at this moment of strife, conflict and intolerance, our minds should go back towards what India stood for in the ancient days and what it has stood for, I hope and believe, essentially throughout the ages in spite of mistakes and errors and degradations from time to time. For, if India had not stood for something very great, I do not think that India could have survived and carried on its cultural traditions in a more or less continuous manner through these vast ages. It carried on its cultural tradition, not unchanging, not rigid, but always keeping its essence, always adapting itself to new developments, to new influences. That has been the tradition of India, always to put out fresh blooms and flowers, always receptive to the good things that it receives, sometimes receptive to bad things also, but always true to her ancient culture. All manner of new influences through thousands of years have influenced us, while we influenced them tremendously also, for you will remember that India has not been in the past a tight little narrow country, disdaining other countries. India throughout the long ages of her history has been connected with other countries, not only connected with other countries, but has been an international centre, sending out her people abroad to far off countries carrying her message and receiving the message of other countries in exchange, but India was strong enough to remain embedded on the foundations on which she was built although changes many changes, have

taken place. The strength of India it has been said, consists in this strong foundation. It consists also in its amazing capacity to receive, to adapt what it wants to adapt, not to reject because something is outside its scope, but to accept and receive everything. It is folly for any nation or race to think that it can only give to and not receive from the rest of the world. Once a nation or a race begins to think like that, it becomes rigid, it becomes ungrowing; it grows backwards and decays. In fact, if India's history can be traced, India's periods of decay are those when it closed herself up into a shell and refused to receive or to look at the outside world. India's greatest periods are those when she stretched her hands to others in far off countries, sent her emissaries, ambassadors, her trade agents and merchants to these countries and received ambassadors and emissaries from abroad.

Now because I have mentioned the name of Ashoka I should like you to think that the Ashokan period in Indian history was essentially an international period of Indian history. It was not a narrowly national period. It was a period when India's ambassadors went abroad to far countries and went abroad not in the way of an Empire and imperialism but as ambassadors of peace and culture and goodwill.

Therefore this Flag that I have the honour to present to you is not, I hope and trust, a Flag of Empire, a Flag of Imperialism, a Flag of domination over any body, but a Flag of freedom not only for ourselves, but a symbol of—freedom to all people who may see it. And wherever it may go—and I hope it will go far,—not only where Indians dwell as our ambassadors and ministers but across the far seas where it may be carried by Indian ships, wherever it may go it will bring a message, I hope, of freedom to those people, a message of comradeship, a message that India wants to be friends with every country of the world and India wants to help any people who seek freedom. That I hope will be the message of this Flag everywhere and I hope that in the freedom that is coming to us, we will not do what many other people or some other people have unfortunately done, that is, in a newfound strength suddenly to expand and become imperialistic in design. If that happened that would be a terrible ending to our struggle for freedom. But there is that danger and, therefore, I venture to remind this House of it—although this House needs no reminder—there is this danger in a country suddenly unshackled in stretching out its arms and legs and trying to hit out at other people. And if we do that we become just like other nations who seem to live in a kind of succession of conflicts and preparation for conflict. That is the world today unfortunately.

In some degree I have been responsible for the foreign policy during the past few months and always the question is asked here or elsewhere: "What is your foreign policy? To what group do you adhere to in this warring world?" Right at the beginning I venture to say that we propose to belong

to no power group. We propose to function as far as we can as peace-makers and peace-bringers because today we are not strong enough to be able to have our way. But at any rate we propose to avoid all entanglements with power politics in the world. It is not completely possible to do that in this complicated world of ours, but certainly we are going to do our utmost to that end.

It is stated in this Resolution that the ratio of the width to the length of the Flag shall ordinarily be 2:3. Now you will notice the word "ordinarily". There is no absolute standard about the ratio because the same Flag on a particular occasion may have a certain ratio that might be more suitable or on any other occasion in another place the ratio might differ slightly. So there is no compulsion about this ratio. But generally speaking, the ratio of 2:3 is a proper ratio. Sometimes the ratio 2:1 may be suitable for a Flag flying on a building. Whatever the ratio may be, the point is not so much the relative length and breadth, but the essential design.

So, Sir, now I would present to you not only the Resolution but the Flag itself.

There are two of these National Flags before you. One is on silk—the one I am holding—and the other on the other side is of cotton Khadi.

TRANSFER OF POWER

MID-NIGHT OF 14-15 AUGUST 1947

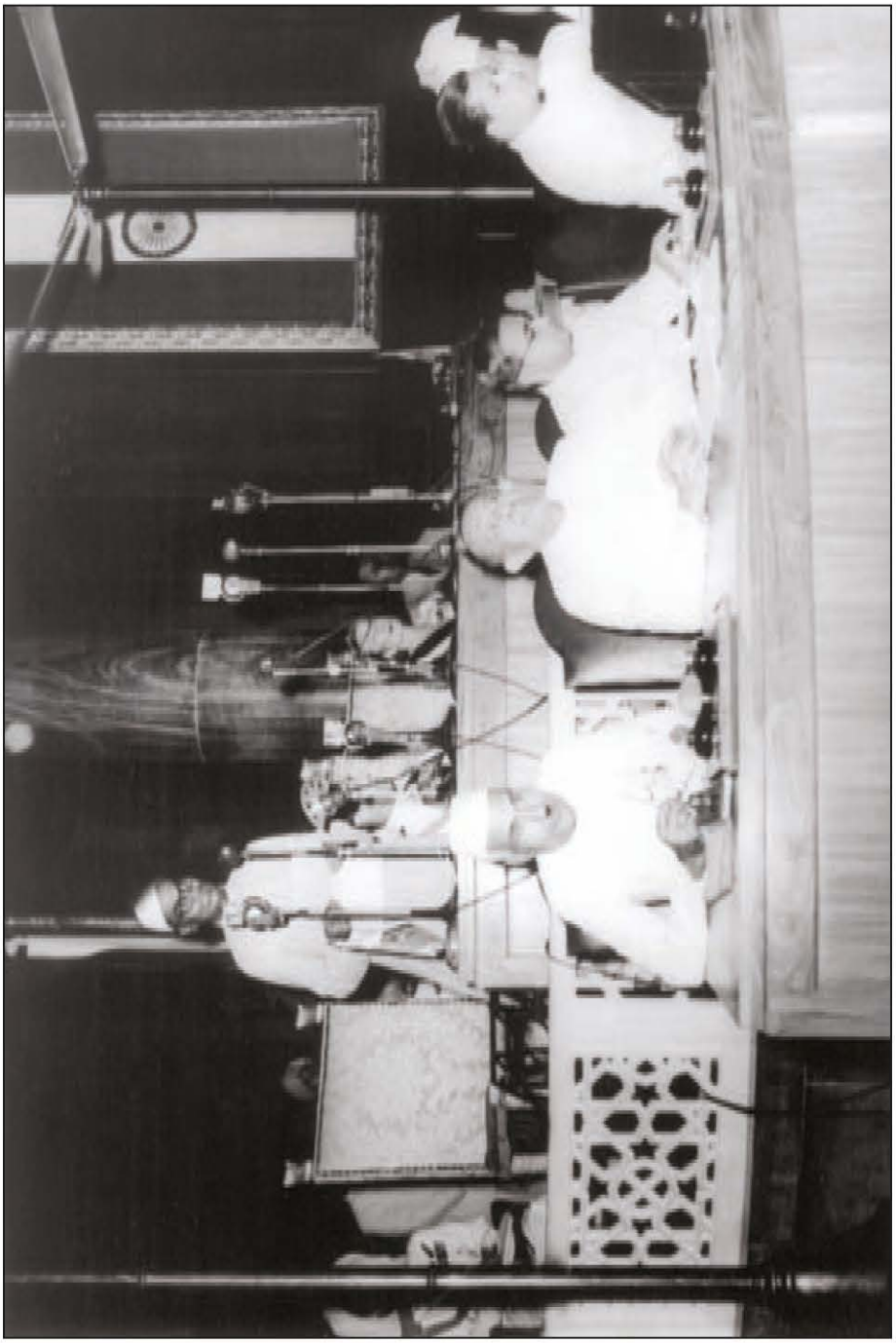
ADDRESS BY DR. RAJENDRA PRASAD

14 AUGUST 1947

India has a great part to play in the shaping and moulding of the future of a war-distracted world...She has now the opportunity, and, let us hope, she will have the courage and strength to place before the world for its acceptance her infallible substitute for war and bloodshed, death and destruction. The world needs it and will welcome it, unless it is prepared to reel back into barbarism from which it boasts to have emerged.

In this solemn hour, of our history when after many years of struggle we are taking over the governance of this country, let us offer humble thanks to the Almighty Power that shapes the destinies of men and nations and let us recall in grateful remembrance the services and sacrifices of all those men and women, known and unknown, who with smiles on their face walked to the gallows or faced bullets on their chests, who experience living death in the cells of the Andamans, or spent long years in the prisons of India, who preferred voluntary exile in foreign countries to a life of humiliation in their own, who not only lost wealth and property but cut themselves off from near and dear ones to devote themselves to the achievement of the great objective which we are witnessing today.

Let us also pay our tribute of love and reverence to Mahatma Gandhi who has been our beacon light, our guide and philosopher during the last thirty years or more. He represents that undying spirit in our culture and make-up which has kept India alive through vicissitudes of our history. He it is who pulled us out of the slough of despond and despair and blowed into us a spirit which enabled us to stand up for justice to claim our birth-right of freedom and placed in our hands the matchless and unfailing weapon of Truth and Non-violence which, without arms and armaments has won for us the invaluable prize of Swaraj at a price which, when the history of these times comes to be written, will be regarded as incredible for a vast country of our size and for the teeming millions of our population. We were indifferent instruments that he had to work with but he led us with consummate skill, with unwavering determination, with an undying faith in our future, with faith in his weapon and above all with faith in God. Let us prove true to that faith. Let us hope that India will not, in the hour of her triumph, give up or minimise the value of the weapon which served



Dr. Rajendra Prasad addressing the mid-night session of the Constituent Assembly on 14-15 August 1947

not only to rouse and inspire here in her moments of depression but has also proved its efficacy. India has a great part to play in the shaping and moulding of, the future of a war distracted world. She can play that part not by mimicking, from a distance, what others are doing, or by joining in the race for armaments and competing with others in the discovery of the latest and most effective instruments of destruction. She has now the opportunity, and let us hope, she will have the courage and strength to place before the world for its acceptance her infallible substitute for war and bloodshed, death and destruction. The world needs it and will welcome it, unless it is prepared to reel back into barbarism from which it boasts to have emerged.

Let us then assure all countries of the world that we propose to stick to our historic tradition to be on terms of friendship and amity with all, that we have no designs against any one and hope that none will have any against us. We have only one ambition and desire, that is, to make our contribution to the building up of freedom for all and peace among mankind.

The country, which was made by God and Nature to be one, stands divided today. Separation from near and dear ones, even from strangers after some association, is always painful. I would be untrue to myself if I did not at this moment confess to a sense of sorrow at this separation. But I wish to send on your behalf and my own our greetings and good wishes for success and the best of luck in the high endeavour of government in which the people of Pakistan, which till today has been a part and parcel of ourselves, will be engaged. To those who feel like us but are on the other side of the border we send a word of cheer. They should not give way to panic but should stick to their hearths and homes, their religion and culture and cultivate the qualities of courage and forbearance. They have no reason to fear that they will not get protection and just and fair treatment and they should not become victims of doubt and suspicion. They must accept the assurances publicly given and win their rightful place in the polity of the State, where they are placed, by their loyalty.

To all the minorities in India we give the assurance that they will receive fair and just treatment and there will be no discrimination in any form against them. Their religion, their culture and their language are safe and they will enjoy all the rights and privileges of citizenship, and will be expected in their turn to render loyalty to the country in which they live and to its constitution. To all we give the assurance that it will be our endeavour to end poverty and squalor and its companions, hunger and disease; to abolish distinction and exploitation and to ensure decent conditions of living.

We are embarking on a great task. We hope that in this we shall have the unstinted service and co-operation of all our people and the sympathy and support of all the communities. We shall do our best to deserve it.

ADDRESS BY PT. JAWAHARLAL NEHRU

14 AUGUST 1947

The task of wresting freedom and ousting the foreign government was before us till now and that task is now accomplished. But uprooting the foreign domination is not all. Unless and until each and every Indian breathes the air of freedom and his miseries are banished and his hard lot is improved, our task remains unfinished.

*Mr. President, many years ago we had made a tryst with destiny itself. We had taken a pledge, a vow. Now the time has come to redeem it. But perhaps the pledge has not yet been redeemed fully through stages have been reached in that direction. We have almost attained independence. At such a moment, it is only appropriate that we take a new pledge, a new vow to serve India and her people. After a few moments, the Assembly will assume the status of a fully free and independent body and it will represent an independent and free country. Therefore great responsibilities are to devolve upon it. If we do not realise the importance of our responsibilities, then we shall not be able to discharge our duties fully. Hence it becomes essential for us to take this pledge after fully understanding all its implications. The resolution that I am presenting before you relates to that pledge. We have finished one phase, and for that rejoicings are going on today. Our hearts are full of joy and some pride and satisfaction. But we know that there is no rejoicing in the whole of the country. There is enough of grief in our hearts. Not far from Delhi, big cities are ablaze and its heat is reaching us here. Our happiness cannot be complete. At this hour we have to face all these things with a brave heart. We are not to raise a hue and cry and get perturbed. When the reins of Government have come to our hands, we have to do things in the right way. Generally, countries wrest their freedom after great bloodshed, tears and toil. Much blood has been spilt in our land and in a way which is very painful. Notwithstanding that, we have achieved freedom by peaceful methods. We have set a new example before the world. We are free now but along with freedom, come responsibilities and burdens. We have to face them, and overcome them all. Our dream is now about to be translated into reality. The task of wresting freedom and ousting the foreign government was before us till now and that task is now accomplished. But uprooting the foreign domination

*English translation of Hindustani speech begins.

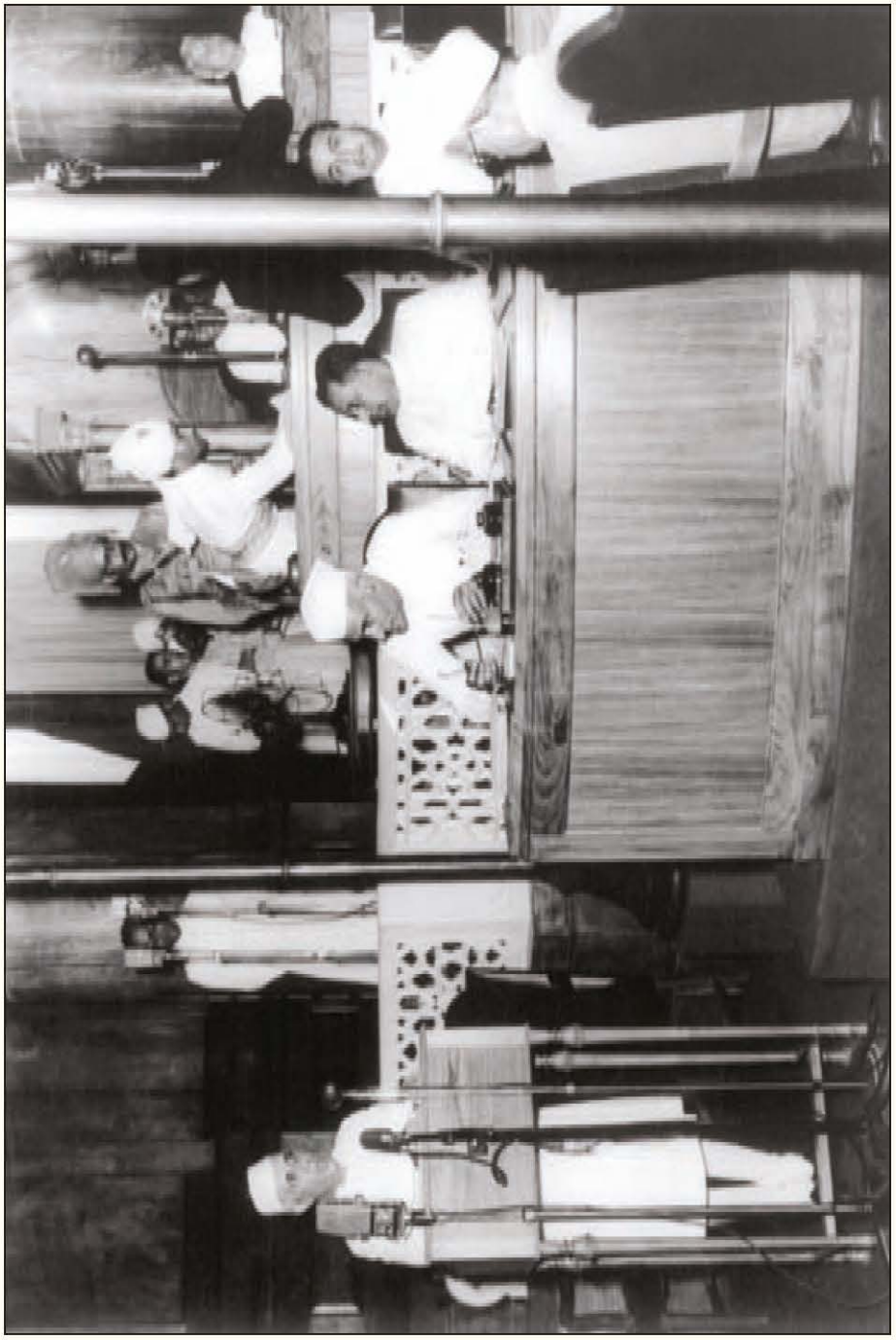
is not all unless and until each and every Indian breathes the air of freedom and his miseries are banished and his hard lot is improved. Our task remains unfinished. Therefore a large portion of our task remains to be done, and we shall try to accomplish it. Big problems confront us and at their sight sometimes our heart quivers, but, then again, the thought that in the past we have faced many a big problem and we shall do so again, gives us courage. Shall we be cowed down by these? It is not the individual pride and strength that is comforting, rather it is the pride of the country and the nation, and a confidence in people who have suffered a terribly for the cause that makes me feel bold to think we shall successfully shoulder the huge burden of hardships, and find a solution of these problems. After all, India, is now free. That is well and good. At a time when we are on the threshold of freedom, we should remember that India does not belong to any one party or group of people or caste. It does not belong to the followers of any particular religion. It is the country of all, of every religion and creed. We have repeatedly defined the type of freedom we desire. In the first resolution, which I moved earlier, it has been said that our freedom is to be shared equally by every Indian. All Indians shall have equal rights, and each one of them is to partake equally in that freedom. We shall proceed like that and whosoever tries to be aggressive will be checked by us. If anyone is oppressed we shall stand by his side. If we follow this path then we shall be able to solve big problems, but if we become narrow minded we shall not be able to solve them.*

Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.

At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her successes and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?

Freedom and power bring responsibility. That responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India.

*English translation of Hindustani speech ends.



Pandit Jawaharlal Nehru addressing the mid-night session of the Constituent Assembly on 14-15 August 1947

Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless the past is over and it is the future that beckons to us now.

That future is not one of ease or resting but of incessant striving so that we might fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our work will not be over.

And so we have to labour and to work and work hard to give reality to our dreams. Those dreams are for India, but they are also for the world, for all the nations and peoples are too closely knit together today for any one of them to imagine that it can live apart. Peace has been said to be indivisible, so is freedom, so is prosperity now, and so also is disaster in this One World that can no longer be split into isolated fragments.

To the people of India, whose representatives we are, we make appeal to join us with faith and confidence in this great adventure. This is no time for petty and destructive criticism, no time for ill-will or blaming others. We have to build the noble mansion of free India where all her children may dwell.

I beg to move, Sir.

"That it be resolved that:

(1) After the last stroke of midnight, all members of the Constituent Assembly present on this occasion, do take the following pledge:

'At this solemn moment when the people of India, through suffering and sacrifice, have secured freedom, I....., a member of the Constituent Assembly of India, do dedicate myself in all humility to the service of India and her people to the end that this ancient land attain her rightful place in the world and make her full and willing contribution to the promotion of world peace and the welfare of mankind;'

(2) Members who are not present on this occasion do take the pledge (with such verbal changes as the President may prescribe) at the time they next attend a session of the Assembly."

Pandit Jawaharlal Nehru and other members taking pledge at the mid-night Session of the Constituent Assembly on 14-15 August, 1947

PLEDGE BY MEMBERS OF THE CONSTITUENT ASSEMBLY

That it be resolved that:

(1) *After the last stroke of midnight, all members of the Constituent Assembly present on this occasion, do take the following pledge:*

'At this solemn moment when the people of India, through suffering and sacrifice, have secured freedom, I....., a member of the Constituent Assembly of India, do dedicate myself in all humility to the service of India and her people to the end that this ancient land attain her rightful place in the world and make her full and willing contribution to the promotion of world peace and the welfare of mankind.'

(2) *Members who are not present on this occasion do take the pledge (with such verbal changes as the President may prescribe) at the time they next attend a session of the Assembly.*

Smt. Ammu Swaminathan and Shri G.V. Mavalankar at the mid-night session of 14-15 August 1947

SELECT ADDRESSES

DELIVERED IN THE CONSTITUENT ASSEMBLY

DR. RAJENDRA PRASAD-DEDICATION TO TASKS AHEAD

15 AUGUST 1947

> Our ideal is to have a Constitution that will enable the people's will to be expressed and enforced and that will not only secure liberty to the individual but also reconcile and make that liberty subservient to the common good.

Let us in this momentous hour of our history, when we are assuming power for the governance of our country, recall in grateful remembrance the services and sacrifices of all those who laboured and suffered for the achievement of the independence we are attaining today. Let us on this historic occasion pay our homage to the maker of our modern history, Mahatma Gandhi, who has inspired and guided us through all these years of trial and travail and who in spite of the weight of years is still working in his own way to complete what is left yet unaccomplished.

Let us gratefully acknowledge that while our achievement is in no small measure due to our own sufferings, and sacrifices, it is also the result of world forces and events and last though not least it is the consummation and fulfilment of the historic traditions and democratic ideals of the British race whose farsighted leaders and statesmen saw the vision and gave the pledges which are being redeemed today. We are happy to have in our midst as a representative of that race Viscount Mountbatten of Burma and his consort who have worked hard and played such an important part in bringing this about during the closing scenes of this drama. The period of domination by Britain over India ends today and our relationship with Britain is henceforward going to rest on a basis of equality, of mutual goodwill and mutual profit.

It is undoubtedly a day of rejoicing. But there is only one thought which mars and detracts from the fulness of this happy event. India, which was made by God and Nature to be one, which culture and tradition and history of millenniums have made one, is divided today and many there are on the other side of the boundary who would much rather be on this side. To them we send a word of cheer and assurance and ask them not to give way to panic or despair but to live with faith and courage in peace with their neighbours and fulfil the duties of loyal citizenship and thus win their rightful place. We send our greetings to the new Dominion which is being established today there and wish it the best luck in its great work of

Dr. Rajendra Prasad presiding over the Constituent Assembly session

governing that region and making all its citizens happy and prosperous. We feel assured that they all will be treated fairly and justly without any distinction or discrimination. Let us hope and pray that the day will come when even those who have insisted upon and brought about this division will realise India's essential oneness and we shall be united once again. We must realise however that this can be brought about not by force but by large heartedness and co-operation and by so managing our affairs on this side as to attract those who have parted. It may appear to be a dream but it is no more fantastic a dream than that of those who wanted a division and may well be realised even sooner than we dare hope for today.

More than a day of rejoicing it is a day of dedication for all of us to build the India of our dreams. Let us turn our eyes away from the past and fix our gaze on the future. We have no quarrel with other nations and countries and let us hope no one will pick a quarrel with us. By history and tradition we are a peaceful people and India wants to be at peace with the world. India's Empire outside her own borders has been of a different kind from all other Empires. India's conquests have been the conquests of spirit which did not impose heavy chains of slavery, whether of iron or of gold, on others but tied other lands and other peoples to her with the more enduring ties of golden silk—of culture and civilisation, of religion and knowledge (*gyan*). We shall follow that same tradition and shall have no ambition save that of contributing our little mite to the building of peace and freedom in a war-distracted world by holding aloft the banner under which we have marched to victory and placing in a practical manner in the hands of the world the great weapon of Non-violence which has achieved this unique result. India has a great part to play. There is something in her life and culture which has enabled her to survive the onslaughts of time and today we witness a new birth full of promise, if only we prove ourselves true to our ideals.

Let us resolve to create conditions in this country when every individual will be free and provided with the wherewithal to develop and rise to his fullest stature, when poverty and squalor and ignorance and ill-health will have vanished, when the distinction between high and low, between rich and poor, will have disappeared, when religion will not only be professed and preached and practised freely but will have become a cementing force for binding man to man and not serve as a disturbing and disrupting force dividing and separating, when untouchability will have been forgotten like an unpleasant night dream, when exploitation of man by man will have ceased, when facilities and special arrangements will have been provided for the *adimjatis* of India and for all others who are backward, to enable them to catch up to others and when this land will have not only enough food to feed its teeming millions but will once again have become a land flowing with rivers of milk, when men and women will be laughing and working for all they are worth in fields and factories, when every cottage

and hamlet will be humming with the sweet music of village handicrafts and maids will be busy with them and singing to their tune—when the sun and the moon will be shining on happy homes and loving faces.

To bring all this about we need all the idealism and sacrifice, all the intelligence and diligence, all the determination and the power of organisation that we can muster. We have many parties and groups with differing ideals and ideologies. They are all trying to convert the country to their own ideologies and to mould the constitution and the administration to suit their own view point. While they have the right to do so, the country and the nation have the right to demand loyalty from them. All must realise that what is needed most today is a great constructive effort—not strife, hard solid work—not argumentation, and let us hope that all will be prepared to make their contribution, we want the peasant to grow more food, we want the workers to produce more goods, we want our industrialists to use their intelligence, tact and resourcefulness for the common good. To all we must assure conditions of decent and healthy life and opportunities for self-improvement and self-realisation.

Not only have the people to dedicate themselves to this great task that lies ahead but those who have so far been playing the role of rulers and regulators of the lives of our men and women have to assume the role of servants. Our army has won undying glory in distant lands for its bravery and great fighting qualities. Our soldiers, sailors and airmen have to realise that they now form a national army on whom devolves the duty not only of defending the freedom which we have own but also to help in a constructive way in building up a new life. There is no place in the armed forces of our country which is not open to our people, and what is more they are required to take the highest places as soon as they can so that they may take full charge of our defences. Our public servants in various departments of Government have to shed their role as rulers and have to become true servants of the people that their compeers are in all free countries. The people and the Government on their side have to give them their trust and assure them conditions of service in keeping with the lives of the people in whose midst they have to live and serve.

We welcome the Indian States which have acceded to India and to their people we offer our hands of comradeship. To the princes and the rulers of the States we say that we have no designs against them. We trust they will follow the example of the King of England and become Constitutional Rulers. They would do well to take as their model the British monarchical system which has stood the shock of two successive world wars when so many other monarchies in Europe have toppled down.

To Indians settled abroad in British Colonies and elsewhere we send our good wishes and assurance of our abiding interest in their welfare. To our

minorities we give the assurance that they will receive fair and just treatment and their rights will be respected and protected.

One of the great tasks which we have in hand is to complete the constitution under which not only will freedom and liberty be assured to each and all but which will enable us to achieve and attain and enjoy its fulfilment and its fruits. We must accomplish this task as soon as possible so that we may begin to live and work under a constitution of our own making, of which we may all be proud, and which it may become our pride and privilege to defend and to preserve to the lasting good of our people and for the service of mankind. In framing that constitution we shall naturally draw upon the experience and knowledge of other countries and nations no less than on our own traditions and surroundings and may have at times to disregard the lines drawn by recent history and lay down new boundary lines not only of Provinces but also of distribution of powers and functions. Our ideal is to have a constitution that will enable the people's will to be expressed and enforced and that will not only secure liberty to the individual but also reconcile and make that liberty subservient to the common good.

We have up to now been taking a pledge to achieve freedom and to undergo all sufferings and sacrifices for it. Time has come when we have to take a pledge of another kind. Let no one imagine that the time for work and sacrifice is gone and the time for enjoying the fruits thereof has come. Let us realise that the demand on our enthusiasm and capacity for unselfish work in the future will be as great as, if not greater than, what it has ever been before. We have, therefore, to dedicate ourselves once again to the great cause that beckons us. The task is great, the times are propitious. Let us pray that we may have the strength, the wisdom and the courage to fulfil it.

DR. B.R. AMBEDKAR-DRAFT CONSTITUTION

4 NOVEMBER 1948

The Draft Constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of war it is so designed as to make it work as though it was a unitary system.

The Draft Constitution as it has emerged from the Drafting Committee is a formidable document. It contains 315 Articles and 8 Schedules. It must be admitted that the Constitution of no country could be found to be so bulky as the Draft Constitution. It would be difficult for those who have not been through it to realize its salient and special features.

The Draft Constitution has been before the public for eight months. During this long time friends, critics and adversaries have had more than sufficient time to express their reactions to the provisions contained in it. I dare say that some of them are based on misunderstanding and inadequate understanding of the Articles. But there the criticisms are and they have to be answered.

For both these reasons it is necessary that on a motion for consideration I should draw your attention to the special features of the Constitution and also meet the criticism that has been levelled against it.

x x x

A student of Constitutional Law, if a copy of a Constitution is placed in his hands, is sure to ask two questions. Firstly what is the form of Government that is envisaged in the Constitution; and secondly what is the form of the Constitution? For, these are the two crucial matters which every Constitution has to deal with. I will begin with the first of the two questions.

In the Draft Constitution there is placed at the head of the Indian Union a functionary who is called the President of the Union. The title of this functionary reminds one of the President of the United States. But beyond identity of names there is nothing in common between the forms of Government prevalent in America and the form of Government proposed under the Draft Constitution. The American form of Government is called the Presidential system of Government. What the Draft Constitution proposes is the Parliamentary system. The two are fundamentally different.

Under the Presidential system of America, the President is the Chief head of the Executive. The administration is vested in him. Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the head of the State but not of the Executive. He represents the Nation but does not rule the Nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known. Under the American Constitution the President has under him Secretaries in charge of different Departments. In like manner the President of the Indian Union will have under him Ministers in charge of different departments of administration. Here again there is a fundamental difference between the two. The President of the United States is not bound to accept any advice tendered to him by any of his Secretaries. The President of the Indian Union will be generally bound by the advice of his Ministers. He can do nothing contrary to their advice nor can he do anything without their advice. The President of the United States can dismiss any Secretary at any time. The President of the Indian Union has no power to do so as long as his Ministers command a majority in Parliament.

The Presidential system of America is based upon the separation of the Executive and the Legislature. So that the President and his Secretaries cannot be members of the Congress. The Draft Constitution does not recognise this doctrine. The Ministers under the Indian Union are members of Parliament. Only members of Parliament can become Ministers. Ministers have the same rights as other members of Parliament, namely, that they can sit in Parliament, take part in debates and vote in its proceedings. Both systems of Government are of course democratic and the choice between the two is not very easy. A democratic executive must satisfy two conditions—(1) It must be a stable executive and (2) it must be a responsible executive, Unfortunately it has not been possible so far to devise a system which can ensure both in equal degree. You can have a system which can give you more stability but less responsibility or you can have a system which gives you more responsibility but less stability. The American and the Swiss systems give more stability but less responsibility. The British system on the other hand gives you more responsibility but less stability. The reason for this is obvious. The American Executive is a non-Parliamentary Executive which means that it is not dependent for its existence upon a majority in the Congress, while the British system is a Parliamentary Executive which means that it is dependent upon a majority in Parliament. Being a non-Parliamentary Executive, the Congress of the United States cannot dismiss the Executive. A Parliamentary Government must resign the moment it loses the confidence of a majority of the members of Parliament. Looking at it from the point of view of responsibility, a non-Parliamentary Executive being independent of Parliament tends to be less responsible to the Legislature, while a Parliamentary Executive being more dependent upon a majority in Parliament become more responsible.

The Parliamentary system differs from a non-Parliamentary system in as much as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. Under the non-Parliamentary system, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is periodic. It takes place once in two years. It is done by the Electorate. In England, where the Parliamentary system prevails, the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by members of Parliament, through Questions, Resolutions, No-confidence motions, Adjournment motions and Debates on Addresses. Periodic assessment is done by the Electorate at the time of the election which may take place every five years or earlier. The Daily assessment of responsibility which is not available under the American system it is felt far more effective than the periodic assessment and far more necessary in a country like India. The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability.

So far I have explained the form of Government under the Draft Constitution. I will now turn to the other question, namely, the form of the Constitution.

Two principal forms of the Constitution are known to history—one is called Unitary and other Federal. The two essential characteristics of a Unitary Constitution are: (1) the supremacy of the Central Polity, and (2) the absence of subsidiary Sovereign polities. Contrariwise, a Federal Constitution is marked: (1) by the existence of a Central polity and subsidiary polities side by side, and (2) by each being sovereign in the field assigned to it. In other words, Federation means the establishment of a Dual Polity. The Draft Constitution is, Federal Constitution inasmuch as it establishes what may be called a Dual Polity. This Dual Polity under the proposed Constitution will consist of the Union at the Centre and the States at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution. This Dual Polity resembles the American Constitution. The American polity is also a Dual polity, one of it is known as the Federal Government and the other States which correspond respectively to the Union Government and the States Government of the Draft Constitution. Under the American Constitution the Federal Government is not a mere league of the States nor are the States administrative units or agencies of the Federal Government. In the same way the Indian Constitution proposed in the Draft Constitution is not a league of States nor are the States administrative units or agencies of the Union Government. Here, however, the similarities between the Indian and the American Constitution come to an end. The differences that distinguish them are more fundamental and glaring than the similarities between the two.

The points of difference between the American Federation and the Indian Federation are mainly two. In the U.S.A. this dual polity is followed by a dual citizenship. In the U.S.A. there is a citizenship of the U.S.A. But there is also a citizenship of the State. No doubt the rigours of this double citizenship are much assuaged by the fourteenth amendment to the Constitution of the United States which prohibits the States from taking away the rights, privileges and immunities of the citizen of the United States. At the same time, as pointed out by Mr. William Anderson, in certain political matters, including the right to vote and to hold public office, States may and do discriminate in favour of their own citizens. This favouritism goes even farther in many cases. Thus to obtain employment in the service of a State or local Government one is in most places required to be a local resident or citizen. Similarly in the licensing of persons for the practice of such public professions as law and medicine, residence or citizenship in the State is frequently required; and in business where public regulation must necessarily be strict, as in the sale of liquor, and of stocks and bonds, similar requirements have been upheld.

Each State has also certain rights in its own domain that it holds for the special advantage of its own citizens. Thus wild game and fish in a sense belong to the State. It is customary for the States to charge higher hunting and fishing license fees to non-residents than to its own citizens. The States also charge non-residents higher tuition in State Colleges and Universities, and permit only residents to be admitted to their hospitals and asylums except in emergencies.

In short, there are a number of rights that a State can grant to its own citizens or residents that it may and does legally deny to non-residents, or grant to non-residents only on more difficult terms than those imposed on residents. These advantages, given to the citizen in his own State, constitute the special rights of State citizenship. Taken all together, they amount to a considerable difference in rights between citizens and non-citizens of the State. The transient and the temporary sojourner is everywhere under some special handicaps.

The proposed Indian Constitution is a dual polity with a single citizenship. There is only one citizenship for the whole of India. It is Indian citizenship. There is no State citizenship. Every Indian has the same rights of citizenship, no matter in what State he resides.

The dual polity of the proposed Indian Constitution differs from the dual polity of the U.S.A. in another respect. In the U.S.A. the Constitutions of the Federal and the State Governments are loosely connected. In describing the relationship between the Federal and State Governments in the U.S.A., Bryce has said:

> "The Central or national Government and the State Governments may be compared to a large building and a set of smaller buildings standing on the same ground, yet distinct from each other."

Distinct they are, but how distinct are the State Governments in the U.S.A. from the Federal Government? Some idea of this distinctness may be obtained from the following facts:

1. Subject to the maintenance of the republican form of Government, each State in America is free to make its own Constitution.
2. The people of a State retain for ever in their hands, altogether independent of the National Government, the power of altering their Constitution.

To put it again in the words of Bryce:

"A State (in America) exists as a commonwealth by virtue of its own Constitution, and all State Authorities, legislative, executive and judicial are the creatures of, and subject to the Constitution."

This is not true of the proposed Indian Constitution. No States (at any rate those in Part-I) have a right to frame its own Constitution. The Constitution of the Union and of the States is a single frame from which neither can get out and within which they must work.

So far I have drawn attention to the differences between the American Federation and the proposed Indian Federation. But there are some other special features of the proposed Indian Federation which mark it off not only from the American Federation but from all other Federations. All federal systems including the American are placed in a tight mould of federalism. No matter what the circumstances, it cannot change its form and shape. It can never be unitary. On the other hand the Draft Constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of war it is so designed as to make it work as though it was a unitary system. Once the President issues a Proclamation which he is authorised to do under the Provisions of Article 275, the whole scene can become transformed and the State becomes a unitary state. The Union under the Proclamation can claim if it wants (1) the power to legislate upon any subject even though it may be in the State list, (2) the power to give directions to the States as to how they should exercise their executive authority in matters which are within their charge, (3) the power to vest authority for any purpose in any officer, and (4) the power to suspend the financial provisions of the Constitution. Such a power of converting itself into a unitary State no federation possesses. This is one point of difference between the Federation proposed in the Draft Constitution, and all other Federations we know of.

This is not the only difference between the proposed Indian Federation and other federations. Federalism is described as a weak if not an effete

form of Government. There are two weaknesses from which Federation is alleged to suffer. One is rigidity and the other is legalism. That these faults are inherent in Federalism, there can be no dispute. A Federal Constitution cannot but be a written Constitution and a written Constitution must necessarily be a rigid Constitution. A Federal Constitution means division of Sovereignty by no less a sanction than that of the law of the Constitution between the Federal Government and the States, with two necessary consequences (1) that any invasion by the Federal Government in the field assigned to the States and *vice versa* is a breach of the Constitution and (2) such breach is a justiciable matter to be determined by the Judiciary only. This being the nature of federalism, a federal Constitution cannot escape the charge of legalism. These faults of a Federal Constitution have been found in a pronounced form in the Constitution of the United States of America.

Countries which have adopted Federalism at a later date have attempted to reduce the disadvantages following from the rigidity and legalism which are inherent therein. The example of Australia may well be referred to in this matter. The Australian Constitution has adopted the following means to make its federation less rigid:

(1) By conferring upon the Parliament of the Commonwealth large powers of concurrent Legislation and few powers of exclusive Legislation.

(2) By making some of the Articles of the Constitution of a temporary duration to remain in force only "until Parliament otherwise provides".

It is obvious that under the Australian Constitution, the Australian Parliament can do many things, which are not within the competence of the American Congress and for doing which the American Government will have to resort to the Supreme Court and depend upon its ability, ingenuity and willingness to invent a doctrine to justify it the exercise of authority.

In assuaging the rigour of rigidity and legalism the Draft Constitution follows the Australian plan on a far more extensive scale than has been done in Australia. Like the Australian Constitution, it has a long list of subjects for concurrent powers of legislation. Under the Australian Constitution, concurrent subjects are 39. Under the Draft Constitution they are 37. Following the Australian Constitution there are as many as six Articles in the Draft Constitution, where the provisions are of a temporary duration and which could be replaced by Parliament at any time by provisions suitable for the occasion. The biggest advance made by the Draft Constitution over the Australian Constitution is in the matter of exclusive powers of legislation vested in Parliament. While the exclusive authority of the Australian Parliament to legislate extends only to about 3 matters, the

authority of the Indian Parliament as proposed in the Draft Constitution will extend to 91 matters. In this way the Draft Constitution has secured the greatest possible elasticity in its federalism which is supposed to be rigid by nature.

It is not enough to say that the Draft Constitution follows the Australian Constitution or follows it on a more extensive scale. What is to be noted is that it has added new ways of overcoming the rigidity and legalism inherent in federalism which are special to it and which are not to be found elsewhere.

First is the power given to Parliament to legislate on exclusively provincial subjects in normal times. I refer to Articles 226, 227 and 229. Under Article 226 Parliament can legislate when a subject becomes a matter of national concern as distinguished from purely Provincial concern, though the subject is in the State list, provided a resolution is passed by the Upper Chamber by 2/3rd majority in favour of such exercise of the power by the Centre. Article 227 gives the similar power to Parliament in a national emergency. Under Article 229 Parliament can exercise the same power if Provinces consent to such exercise. Though the last provision also exists in the Australian Constitution the first two are a special feature of the Draft Constitution.

The second means adopted to avoid rigidity and legalism is the provision for facility with which the Constitution could be amended. The provisions of the Constitution relating to the amendment of the Constitution divide the Articles of the Constitution into two groups. In the one group are placed Articles relating to (a) the distribution of legislative powers between the Centre and the States, (b) the representation of the States in Parliament, and (c) the powers of the Courts. All other Articles are placed in another group. Articles placed in the second group cover a very large part of the Constitution and can be amended by Parliament by a double majority, namely, a majority of not less than two thirds of the members of each House present and voting and by a majority of the total membership of each House. The amendment of these Articles does not require ratification by the States. It is only in those Articles which are placed in group one that an additional safeguard of ratification by the States is introduced.

One can therefore, safely say that the Indian Federation will not suffer from the faults of rigidity or legalism. Its distinguishing feature is that it is a flexible federation.

There is another special feature of the proposed Indian Federation which distinguishes it from other federations. A Federation being a dual polity based on divided authority with separate legislative, executive and judicial powers for each of the two polities is bound to produce diversity in laws, in administration and in judicial protection. Upto a certain point

this diversity does not matter. It may be welcomed as being an attempt to accommodate the powers of Government to local needs and local circumstances. But this very diversity when it goes beyond a certain point is capable of producing chaos and has produced chaos in many federal States. One has only to imagine twenty different laws—if we have twenty States in the Union—of marriage, of divorce, of inheritance of property, family relations, contracts, torts, crimes, weights and measures, of bills and cheques, banking and commerce, of procedures for obtaining justice and in the standards and methods of administration. Such a state of affairs not only weakens the State but becomes intolerant to the citizen who moves from State to State only to find that what is lawful in one State is not lawful in another. The Draft Constitution has sought to forge means and methods whereby India will have Federation and at the same time will have uniformity in all the basic matters which are essential to maintain the unity of the country. The means adopted by the Draft Constitution are three:

(1) a single judiciary,

(2) uniformity in fundamental laws, civil and criminal, and

(3) a common All-India Civil Service to man important posts.

A dual judiciary, a duality of legal codes and a duality of civil services, as I said, are the logical consequences of a dual polity which is inherent in a Federation. In the U.S.A. the Federal Judiciary and the State Judiciary are separate and independent of each other. The Indian Federation though a Dual Polity has no Dual Judiciary at all. The High Courts and the Supreme Court form one single integrated Judiciary having jurisdiction and providing remedies in all cases arising under the constitutional law, the civil law or the criminal law. This is done to eliminate all diversity in all remedial procedure. Canada is the only country which furnishes a close parallel. The Australian system is only an approximation.

Care is taken to eliminate all diversity from laws which are at the basis of civic and corporate life. The great Codes of Civil & Criminal Laws, such as the Civil Procedure Code, Penal Code, the Criminal Procedure Code, the Evidence Act, Transfer of Property Act, Laws of Marriage, Divorce, and Inheritance, are either placed in the Concurrent List so that the necessary uniformity can always be preserved without impairing the federal system.

The dual polity which is inherent in a federal system as I said is followed in all federations by a dual service. In all Federations there is a Federal Civil Service and a State Civil Service. The Indian Federation though a Dual Polity will have a Dual Service but with one exception. It is recognized that in every country there are certain posts in its administrative set up which might be called strategic from the point of view of maintaining the

standard of administration. It may not be easy to spot such posts in a large and complicated machinery of administration. But there can be no doubt that the standard of administration depends upon the calibre of the Civil Servants who are appointed to these strategic posts. Fortunately for us we have inherited from the past system of administration which is common to the whole of the country and we know what are these strategic posts. The Constitution provides that without depriving the States of their right to form their own Civil Services there shall be an All India Service recruited on an All-India basis with common qualifications, with uniform scale of pay and the members of which alone could be appointed to these strategic posts throughout the Union.

Such are the special features of the proposed Federation. I will now turn to what the critics have had to say about it.

It is said that there is nothing new in the Draft Constitution, that about half of it has been copied from the Government of India Act of 1935 and that the rest of it has been borrowed from the Constitutions of other countries. Very little of it can claim originality.

One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world. More than hundred years have rolled over when the first written Constitution was drafted. It has been followed by many countries reducing their Constitutions to writing. What the scope of a Constitution should be has long been settled. Similarly what are the fundamentals of a Constitution are recognized all over the world. Given these facts, all Constitutions in their main provisions must look similar. The only new things, if there can be any, in a Constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country. The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. I have shown what is new in the Draft Constitution and I am sure that those who have studied other Constitutions and who are prepared to consider the matter dispassionately will agree that the Drafting Committee in performing its duty has not been guilty of such blind and slavish imitation as it is represented to be.

As to the accusation that the Draft Constitution has produced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution. What I am sorry about is that the provisions taken from the Government of India Act, 1935, relate mostly to the details of administration. I agree that administrative details should have no place in the Constitution. I wish very much that the Drafting Committee could see its way to avoid

their inclusion in the Constitution. But this is to be said on the necessity which justifies their inclusion. Grote, the historian of Greece, has said that:

> "The diffusion of constitutional morality, not merely among the majority of any community but throughout the whole, is the indispensable condition of government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendency for themselves."

By constitutional morality Grote meant "a paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own."

While everybody recognizes the necessity of the diffusion of Constitutional morality for the peaceful working of a democratic Constitution, there are two things interconnected with it which are not, unfortunately, generally recognized. One is that the form of administration has a close connection with the form of the Constitution. The form of the administration must be appropriate to and in the same sense as the form of the Constitution. The other is that it is perfectly possible to pervert the Constitution, without changing its form by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the Constitution. It follows that it is only where people are saturated with Constitutional morality such as the one described by Grote the historian that one can take the risk of omitting from the Constitution details of administration and leaving it for the Legislature to prescribe them. The question is, can we presume such a diffusion of Constitutional morality? Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that our people have yet to learn it. Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic.

In these circumstances it is wiser not to trust the Legislature to prescribe forms of administration. This is the justification for incorporating them in the Constitution.

Another criticism against the Draft Constitution is that no part of it represents the ancient polity of India. It is said that the new Constitution should have been drafted on the ancient Hindu model of a State and that instead of incorporating Western theories the new Constitution should have been raised and built upon village Panchayats and District Panchayats.

There are others who have taken a more extreme view. They do not want any Central or Provincial Governments. They just want India to contain so many village Governments. The love of the intellectual Indians for the village community is of course infinite if not pathetic. It is largely due to the fulsome praise bestowed upon it by Metcalfe who described them as little republics having nearly everything that they want within themselves, and almost independent of any foreign relations. The existence of these village communities each one forming a separate little State in itself has according to Metcalfe contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of the freedom and independence. No doubt the village communities have lasted where nothing else lasts. But those who take pride in the village communities do not care to consider what little part they have played in the affairs and the destiny of the country; and why? Their part in the destiny of the country has been well described by Metcalfe himself who says:

> "Dynasty after dynasty tumbles down. Revolution succeeds to revolution. Hindoo, Pathan, Mogul, Maratha, Sikh, English are all masters in turn but the village communities remain the same. In times of trouble they arm and fortify themselves. A hostile army passes through the country. The village communities collect their little cattle within their walls, and let the enemy pass unprovoked."

Such is the part the village communities have played in the history of their country. Knowing this, what pride can one feel in them? That they have survived through all viscizzitudes may be a fact. But mere survival has no value. The question is on what plane they have survived. Surely on a low, on a selfish level. I hold that these village republics have been the ruination of India. I am therefore, surprised that those who condemn Provincialism and Communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit.

The Draft Constitution is also criticised because of the safeguards it provides for minorities. In this, the Drafting Committee has no responsibility. It follows the decisions of the Constituent Assembly. Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it has done. In this country both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the existence of the minorities to start with. It must also be such that it will enable majorities and

minorities to merge someday into one. The solution proposed by the Constituent Assembly is to be welcomed because it is a solution which serves this twofold purpose. To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the State. The history of Europe bears ample and appalling testimony to this fact. The other is that the minorities in India have agreed to place their existence in the hands of the majority. In the history of negotiations for preventing the partition of Ireland, Redmond said to Carson "ask for any safeguard you like for the Protestant minority but let us have a United Ireland". Carson's reply was "Damn your safeguards, we don't want to be ruled by you". No minority in India has taken this stand. They have loyally accepted the rule of the majority which is basically a communal majority and not a political majority. It is for the majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish.

The most criticized part of the Draft Constitution is that which relates to Fundamental Rights. It is said that Article 13 which defines fundamental rights is riddled with so many exceptions that the exceptions have eaten up the rights altogether. It is condemned as a kind of deception. In the opinion of the critics fundamental rights are not fundamental rights unless they are also absolute rights. The critics rely on the Constitution of the United States and to the Bill of Rights embodies in the first ten Amendments to that Constitution in support of their contention. It is said that the fundamental rights in the American Bill of Rights are real because they are not subjected to limitations or exceptions.

I am sorry to say that the whole of the criticism about fundamental rights is based upon a misconception. In the first place, the criticism in so far as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while fundamental rights are the gift of the law. Because fundamental rights are the gift of the State it does not follow that the State cannot qualify them.

In the second place, it is wrong to say that fundamental rights in America are absolute. The difference between the position under the American Constitution and the Draft Constitution is one of form and not of substance. That the fundamental rights in America are not absolute rights is beyond dispute. In support of every exception to the fundamental rights set out in the Draft Constitution one can refer to at least one judgment of

the United States Supreme Court. It would be sufficient to quote one such judgment of the Supreme Court in justification of the limitation on the right of free speech contained in Article 13 of the Draft Constitution. In *Gitlow Vs. New York* in which the issue was the constitutionality of a New York "criminal anarchy" law which purported to punish utterances calculated to bring about violent change, the Supreme Court said:

> "It is a fundamental principle, long established, that the freedom of speech and of the press, which is secured by the Constitution, does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled license that gives immunity for every possible use of language and prevents the punishment of those who abuse this freedom."

It is therefore wrong to say that the fundamental rights in America are absolute, while those in the Draft Constitution are not.

It is argued that if any fundamental rights require qualification, it is for the Constitution itself to qualify them as is done in the Constitution of the United States and where it does not do so it should be left to be determined by the Judiciary upon a consideration of all the relevant considerations. All this, I am sorry to say, is a complete misrepresentation if not a misunderstanding of the American Constitution. The American Constitution does nothing of the kind. Except in one matter, namely, the right of assembly, the American Constitution does not itself impose any limitations upon the fundamental rights guaranteed to the American citizens. Nor is it correct to say that the American Constitution leaves it to the judiciary to impose limitations on fundamental rights. The right to impose limitations belongs to the Congress. The real position is different from what is assumed by the critics. In America, the fundamental rights as enacted by the Constitution were no doubt absolute. Congress, however, soon found that it was absolutely essential to qualify these fundamental rights by limitations. When the question arose as to the constitutionality of these limitations before the Supreme Court, it was contended that the Constitution gave no power to the United States Congress to impose such limitation, the Supreme Court invented the doctrine of police power and refuted the advocates of absolute fundamental rights by the argument that every State has inherent in its police power which is not required to be conferred on it expressly by the Constitution. To use the language of the Supreme Court in the case I have already referred to, it said:

> "That a State in the exercise of its police power may punish those who abuse this freedom by utterances inimical to the public welfare, tending to corrupt public morals, incite to crime or disturb the public peace, is not open to question....."

What the Draft Constitution has done is that instead of formulating fundamental rights in absolute terms and depending upon our

Supreme Court to come to the rescue of Parliament by inventing the doctrine of police power, it permits the State directly to impose limitations upon the fundamental rights. There is really no difference in the result. What one does directly the other does indirectly. In both cases, the fundamental rights are not absolute.

In the Draft Constitution the Fundamental Rights are followed by what are called "Directive Principles". It is a novel feature in a Constitution framed for Parliamentary Democracy. The only other constitution framed for Parliamentary Democracy which embodies such principles is that of the Irish Free State. These Directive Principles have also come up for criticism. It is said that they are only pious declarations. They have no binding force. This criticism is of course superfluous. The Constitution itself says so in so many words.

If it is said that the Directive Principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law.

The Directive Principles are like the Instrument of Instructions which were issued to the Governor-General and to the Governors of the Colonies and to those of India by the British Government under the 1935 Act. Under the Draft Constitution it is proposed to issue such instruments to the President and to the Governors. The texts of these Instruments of Instructions will be found in Schedule IV of the Constitution. What are called Directive Principles is merely another name for Instrument of Instructions. The only difference is that they are instructions to the Legislature and the Executive. Such a thing is to my mind to be welcomed. Wherever there is a grant of power in general terms for peace, order and good government, it is necessary that it should be accompanied by instructions regulating its exercise.

The inclusion of such instructions in a Constitution such as is proposed in the Draft becomes justifiable for another reason. The Draft Constitution as framed only provides a machinery for the Government of the country. It is not a contrivance to install any particular party in power as has been done in some countries. Who should be in power is left to be determined by the people, as it must be, if the system is to satisfy the tests of democracy. But whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called Directive Principles. He cannot ignore them. He may not have to answer for their breach in a Court of Law. But he will certainly have to answer for them before the electorate at election time. What great value these directive principles possess will be realized better when the forces of right contrive to capture power.

That it has no binding force is no argument against their inclusion in the Constitution. There may be a difference of opinion as to the exact place they should be given in the Constitution. I agree that it is somewhat odd that provisions which do not carry positive obligations should be placed in the midst of provisions which do carry positive obligations. In my judgment their proper place is in Schedules III A & IV which contain Instrument of Instructions to the President and the Governors. For, as I have said, they are really Instruments of Instructions to the Executive and the Legislatures as to how they should exercise their powers. But that is only a matter of arrangement.

Some critics have said that the Centre is too strong. Others have said that it must be made stronger. The Draft Constitution has struck a balance. However much you may deny powers to the Centre, it is difficult to prevent the Centre from becoming strong. Conditions in modern world are such that centralization of powers is inevitable. One has only to consider the growth of the Federal Government in the U.S.A. which, notwithstanding the very limited powers given to it by the Constitution, has out-grown its former self and has overshadowed and eclipsed the State Governments. This is due to modern conditions. The same conditions are sure to operate on the Government of India and nothing that one can do will help to prevent it from being strong. On the other hand, we must resist the tendency to make it stronger. It cannot chew more than it can digest. Its strength must be commensurate with its weight. It would be a folly to make it so strong that it may fall by its own weight.

The Draft Constitution is criticized for having one sort of constitutional relations between the Centre and the Provinces and another sort of constitutional relations between the Centre and the Indian States. The Indian States are not bound to accept the whole list of subjects included in the Union List but only those which come under Defence, Foreign Affairs and Communications. They are not bound to accept subjects included in the Concurrent List. They are not bound to accept the State List contained in the Draft Constitution. They are free to create their own Constituent Assemblies and to frame their own constitutions. All this, of course, is very unfortunate and, I submit quite indefensible. This disparity may even prove dangerous to the efficiency of the State. So long as the disparity exists, the Centre's authority over all-India matters may lose its efficacy. For, power is no power if it cannot be exercised in all cases and in all places. In a situation such as may be created by war, such limitations on the exercise of vital powers in some areas may bring the whole life of the State in complete jeopardy. What is worse is that the Indian States under the Draft Constitution are permitted to maintain their own armies. I regard this as a most retrograde and harmful provision which may lead to the break-up of the unity of India and the overthrow of the Central Government. The Drafting Committee, if I am not misrepresenting its mind, was not at all

happy over this matter. They wished very much that there was uniformity between the Provinces and the Indian States in their constitutional relationship with the Centre. Unfortunately, they could do nothing to improve matters. They were bound by the decisions of the Constituent Assembly, and the Constituent Assembly in its turn was bound by the agreement arrived at between the two negotiating Committees.

But we may take courage from what happened in Germany. The German Empire as founded by Bismark in 1870 was a composite State, consisting of 25 units. Of these 25 units, 22 were monarchical States and 3 were republican city States. This distinction, as we all know, disappeared in the course of time and Germany became one land with one people living under one Constitution. The process of the amalgamation of the Indian States is going to be much quicker than it has been in Germany. On the 15th August 1947 we had 600 Indian States in existence. Today by the integration of the Indian States with Indian Provinces or merger among themselves or by the Centre having taken them as Centrally Administered Areas there have remained some 20/30 States as viable States. This is a very rapid process and progress. I appeal to those States that remain to fall in line with the Indian Provinces and to become full units of the Indian Union on the same terms as the Indian Provinces. They will thereby give the Indian Union the strength it needs. They will save themselves the bother of starting their own Constituent Assemblies and drafting their own separate Constitution and they will lose nothing that is of value to them. I feel hopeful that my appeal will not go in vain and that before the Constitution is passed, we will be able to wipe off the differences between the Provinces and the Indian States.

Some critics have taken objection to the description of India in Article 1 of the Draft Constitution as a Union of States. It is said that the correct phraseology should be a Federation of States. It is true that South Africa which is a unitary State is described as a Union. But Canada which is a Federation is also called a Union. Thus the description of India as a Union, though its constitution is Federal, does no violence to usage. But what is important is that the use of the word Union is deliberate. I do not know why the word 'Union' was used in the Canadian Constitution. But I can tell you why the Drafting Committee has used it. The Drafting Committee wanted to make it clear that though India was to be a federation, the Federation was not the result of an agreement by the States to join in a Federation and that the Federation not being the result of an agreement no State has the right to secede from it. The Federation is a Union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration the country is one integral whole, its people a single people living under a single *imperium* derived from a single source. The Americans had to wage a civil war to establish that the States have no right of secession and that their Federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute.

The provisions relating to amendment of the Constitution have come in for a virulent attack at the hands of the critics of the Draft Constitution. It is said that the provisions contained in the Draft make amendment difficult. It is proposed that the Constitution should be amendable by a simple majority at least for some years. The argument is subtle and ingenious. It is said that this Constituent Assembly is not elected on adult suffrage while the future Parliament will be elected on adult suffrage and yet the former has been given the right to pass the Constitution by a simple majority while the latter has been denied the same right. It is paraded as one of the absurdities of the Draft Constitution. I must repudiate the charge because it is without foundation. To know how simple are the provisions of the Draft Constitution in respect of amending the Constitution one has only to study the provisions for amendment contained in the American and Australian Constitutions. Compared to them those contained in the Draft Constitution will be found to be the simplest. The Draft Constitution has eliminated the elaborate and difficult procedures such as a decision by a convention or a referendum. The powers of amendment are left with the Legislatures Central and Provincial. It is only for amendments of specific matters—and they are only few—that the ratification of the State legislatures is required. All other Articles of the Constitution are left to be amended by Parliament. The only limitation is that it shall be done by a majority of not less than two-thirds of the members of each House present and voting and a majority of the total membership of each House. It is difficult to conceive a simpler method of amending the Constitution.

What is said to be the absurdity of the amending provisions is founded upon a misconception of the position of the Constituent Assembly and of the future Parliament elected under the Constitution. The Constituent Assembly in making a Constitution has no partisan motive. Beyond securing a good and workable constitution it has no axe to grind. In considering the Articles of the Constitution it has no eye on getting through a particular measure. The future Parliament if it met as a Constituent Assembly, its members will be acting as partisans seeking to carry amendments to the Constitution to facilitate the passing of party measures which they have failed to get through Parliament by reason of some Article of the Constitution which has acted as an obstacle in their way. Parliament will have an axe to grind while the Constituent Assembly has none. That is the difference between the Constituent Assembly and the future Parliament. That explains why the Constituent Assembly though elected on limited franchise can be trusted to pass the Constitution by simple majority and why the Parliament though elected on adult suffrage cannot be trusted with the same power to amend it.

I believe I have dealt with all the adverse criticisms that have been levelled against the Draft Constitution as settled by the Drafting Committee. I don't think that I have left out any important comment or criticism that has been made during the last eight months during which the Constitution

has been before the public. It is for the Constituent Assembly to decide whether they will accept the Constitution as settled by the Drafting Committee or whether they shall alter it before passing it.

But this I would like to say. The Constitution has been discussed in some of the Provincial Assemblies of India. It was discussed in Bombay, C.P., West Bengal, Bihar, Madras and East Punjab. It is true that in some Provincial Assemblies serious objections were taken to the financial provisions of the constitution and in Madras to Article 226. But excepting this, in no Provincial Assembly was any serious objection taken to the Articles of the Constitution. No Constitution is perfect and the Drafting Committee itself is suggesting certain amendments to improve the Draft Constitution. But the debates in the Provincial Assemblies give me courage to say that the Constitution as settled by the Drafting Committee is good enough to make in this country a start with. I feel that it is workable, it is flexible and it is strong enough to hold the country together both in peace time and in war time. Indeed, if I may say so, if things go wrong under the new Constitution. The reason will not be that we had a bad Constitution. What we will have to say is, that Man was vile.

PT. JAWAHARLAL NEHRU-FUNDAMENTALS OF THE DRAFT CONSTITUTION

8 NOVEMBER 1948

> The Constitution is after all some kind of legal body given to the ways of Governments and the life of a people. A Constitution if it is out of touch with the people's life, aims and aspirations, becomes rather empty: if it falls behind those aims, it drags the people down. It should be something ahead to keep people's eyes and minds up to a certain high mark.

Sir, we are on the last lap of our long journey. Nearly two years ago, we met in this hall and on that solemn occasion it was my high privilege to move a Resolution which has come to be known as the Objectives Resolution. That is rather a prosaic description of that Resolution because it embodied something more than mere objectives, although objectives are big things in the life of a nation. It tried to embody, in so far as it is possible in cold print to embody, the spirit that lay behind the Indian people at the time. It is difficult to maintain the spirit of a nation or a people at a high level all the time and I do not know if we have succeeded in doing that. Nevertheless I hope that it is in that spirit that we have to approach the framing of this constitution and it is in that spirit that we shall consider it in detail, always using that Objectives Resolution as the yard measure with which to test every clause and phrase in this Constitution. It may be, of course, that we can improve even on that Resolution; if so, certainly we should do it, but I think that Resolution in some of its clauses laid down the fundamental and basic content of what our Constitution should be. The Constitution is after all some kind of legal body given to the ways of Governments and the life of a people. A Constitution if it is out of touch with the people's life aims and aspirations, becomes rather empty: if it falls behind those aims, it drags the people down. It should be something ahead to keep people's eyes and minds up to a certain high mark. I think that the Objectives Resolution did that. Inevitably since then in the course of numerous discussions, passions were roused about what I would beg to say are relatively unimportant matters in this larger context of giving shape to a nation's aspirations and will. Not that they were unimportant, because each thing in a nation's life is important, but still there is a question of priority there is a question of relative importance, there is a question also of what comes first and what comes second. After all there may be many

truths, but it is important to know what is the first truth. It is important to know what in a particular context of events is the first thing to be done, to be thought of and to be put down, and it is the test of a nation and a people to be able to distinguish between the first things and the second things. If we put the second things first, then inevitably the first and the most important things suffer a certain eclipse.

Now I have ventured with your permission, Sir, to take part in this initial debate on this Draft Constitution, but it is not my intention to deal with any particular part of it, either in commendation of it or in criticism, because a great deal of that kind has already been said and will no doubt be said. But in view of that perhaps I could make some useful contribution to this debate by drawing attention to certain fundamental factors again. I had thought that I could do this even more because in recent days and weeks. I have been beyond the shores of India, have visited foreign lands, met eminent people and statesmen of other countries and had the advantage of looking at this beloved country of our from a distance. That is some advantage. It is true that those who look from a distance do not see many things that exist in this country. But it is equally true that those who live in this country and are surrounded all the time with our numerous difficulties and problems sometimes may fail to see the picture as a whole. We have to do both; to see our problems in their intricate detail in order to understand them and also to see them in some perspective so that we may have that picture as a whole before our eyes.

Now this becomes even more important during a period of swift transition such as we have gone through. We who have lived through this period of transition with all its triumphs and glories and sorrows and bitterness, we are affected by all these changes; we are changing ourselves; we do not notice ourselves changing or the country changing so much and it is a little helpful to be out of this turmoil for a while and to look at it from a distance and to look at it also to some extent with the eyes of other people. I have had that opportunity given to me. I am glad of that opportunity, because for the moment I was rid of the tremendous burden of responsibility which all of us carried and which in a measure some of us who have to shoulder the burden of Government have to carry more. For a moment I was rid of those immediate responsibilities and with a mind somewhat free, I could look at that picture and I saw from that distance the rising Star of India far above the horizon and casting its soothing light, in spite of all that has happened, over many countries of the world, who looked up to it with hope, who considered that out of this new Free India would come various forces which would help Asia, which would help the world somewhat to right itself, which would co-operate with other similar forces elsewhere, because the world is in a bad way, because this great continent of Asia or Europe and the rest of the world are in a bad way and

are faced with problems which might almost appear to be insurmountable. And sometimes one has the feeling as if we were all actors in some terrible Greek tragedy which was moving on to its inevitable climax of disaster. Yet when I looked at this picture again from a far and from here, I had a feeling of hope and optimism not merely because of India, but because also of other things that I saw that the tragedy which seemed inevitable was not necessarily inevitable, that there were many other forces at work, that there were innumerable men and women of goodwill in the world who wanted to avoid this disaster and tragedy, and there was certainly a possibility that they will succeed in avoiding it.

But to come back to India, we have, ever since I moved this Objectives Resolution before this House—a year and eleven months ago, almost exactly—passed through strange transitions and changes. We function here far more independently than we did at that time. We function as a sovereign independent nation, but we have also gone through a great deal of sorrow and bitter grief during this period and all of us have been powerfully affected by it. The country for which we were going to frame this Constitution was partitioned and split into two. And what happened afterwards is fresh in our minds and will remain fresh with all its horrors for a very long time to come. All that has happened, and yet, in spite of all this, India has grown in strength and in freedom, and undoubtedly this growth of India, this emergence of India as a free country, is one of the significant facts of this generation, significant for us and for the vast numbers of our brothers and sisters who live in this country, significant for Asia, and significant for the world, and the world is beginning to realise—chiefly I think and I am glad to find this—that India's role in Asia and the world will be a beneficent role; sometimes it may be with a measure of apprehension, because India may play some part which some people, some countries, with other interests may not particularly like. All that is happening, but the main thing is this great significant factor that India after a long period of being dominated over has emerged as a free sovereign democratic independent country, and that is a fact which changes and is changing history. How far it would change history will depend upon us, this House in the present and other Houses like this coming in the future who represent the organised will of the Indian people.

That is a tremendous responsibility. Freedom brings responsibility; of course there is no such thing as freedom without responsibility. Irresponsibility itself means lack of freedom. Therefore, we have to be conscious of this tremendous burden of responsibility which freedom has brought: the discipline of freedom and the organised way of working freedom. But, there is something even more than that. The freedom that has come to India by virtue of many things, history, tradition, resources, our geographical position, our great potential and all that, inevitably leads

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Pandit Jawaharlal Nehru

India to play an important part in world affairs. It is not a question of our choosing this or that; it is an inevitable consequence of what India is and what a free India must be. And, because we have to play that inevitable part in world affairs, that brings another and greater responsibility. Sometimes, with all my hope and optimism and confidence in my nation, I rather quake at the great responsibilities that are being thrust upon us, and which we cannot escape. If we get tied up in our narrow controversies, we may forget it. Whether we forget it or not, that responsibility is there. If we forget it, we fail in that measure. Therefore, I would beg of this House to consider these great responsibilities that have been thrust upon India, and because we represent India in this as in many other spheres, on us in this House, and to work together in the framing of the Constitution or otherwise, always keeping that in view, because the eyes of the world are upon us and the hopes and aspirations of a great part of the world are also upon us. We dare not be little; if we do so, we do an ill-service to this country of ours and to those hopes and aspirations that surround us from other countries. It is in this way that I would like this House to consider this Constitution: first of all to keep the Objectives Resolution before us and to see how far we are going to act up to it, how far we are going to build up, as we said in that Resolution, "an independent Sovereign Republic, wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of Government, are derived from the people, and wherein shall be guaranteed and secured to all of the people of India

justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought and expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and this ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind".

I read that last clause in particular because that brings to our mind India's duty to the world. I should like this House when it considers the various controversies—there are bound to be controversies and there should be controversies because we are a living and vital nation, and it is right that people should think differently and it is also right that, thinking differently when they come to decisions, they should act unitedly in furtherance of those decisions. There are various problems, some very important problems, on which there is very little controversy and we pass them—they are of the greatest importance—with a certain unanimity. There are other problems, important no doubt, possibly of a lesser importance, on which we spend a great deal of time and energy and passion also, and do not arrive at agreements in that spirit with which we should arrive at agreements. In the country today, reference has been made—I will mention one or two matters—to linguistic provinces and to the question of language in this Assembly and for the country. I do not propose to say much about these questions, except to say that it seems to me and it has long seemed to me inevitable that in India some kind of reorganization should take place of provinces, etc., to fit in more with the cultural, geographical and economic condition of the people and with their desires. We have long been committed to this. I do not think it is good enough just to say linguistic provinces; that is a major factor to be considered, no doubt. But there are more important factors to be considered, and you have therefore to consider the whole picture before you proceed to break up what we have got and re-fashion it into something new. What I would like to place before the House is that, important from the point of view of our future life and governance as this question is, I would not have thought that this was a question of that primary importance, which must be settled here and now today. It is eminently a question which should be settled in an atmosphere of good will and calm and on a rather scholarly discussion of the various factors of the case. I find, unfortunately, it has raised a considerable degree of heat and passion and when heat and passion are there, the mind is clouded. Therefore, I would beg of this House to take these matters into consideration when it thinks fit, and to treat it as a thing which should be settled not in a hurry when passions are roused, but at a suitable moment when the time is ripe for it.

The same argument, if I may say so, applies to this question of language. Now, it is an obvious thing and a vital thing that any country, much more so a free and independent country, must function in its own language.

Unfortunately, the mere fact that I am speaking to this House in a foreign language and so many of our colleagues here have to address the House in a foreign language itself shows that something is lacking. It is lacking; let us recognise it; we shall get rid of that lacuna undoubtedly. But, if in trying to press for a change, an immediate change, we get wrapped up in numerous controversies and possibly even delay the whole Constitution, I submit to this House it is not a very wise step to take. Language is and has been a vital factor in an individual's and a nation's life and because it is vital, we have to give it every thought and consideration. Because it is vital, it is also an urgent matter; and because it is vital, it is also a matter in which urgency may ill-serve our purpose. There is a slight contradiction. Because, if we proceed in an urgent matter to impose something, may be by a majority, on an unwilling minority in parts of the country or even in this House, we do not really succeed in what we have started to achieve. Powerful forces are at work in the country which will inevitably lead to the substitution of the English language by an Indian language or Indian languages in so far as the different parts of the country are concerned; but there will always be one all-India language. Powerful forces are also working at the formation of that all-India Language. Language ultimately grows from the people; it is seldom that it can be imposed. Any attempt to impose a particular form of language on an unwilling people has usually met with the strongest opposition and has actually resulted in something the very reverse of what the promoters thought. I would beg this House to consider the fact and to realize, if it agrees with me, that the surest way of developing a natural all-India language is not so much to pass resolutions and laws on the subject but to work to that end in other ways. For my part I have a certain conception of what an all-India language should be. Other people's conception may not be quite the same as mine. I cannot impose my conception on this House or on the country just as any other person will not be able to impose his or her conception unless the country accepts it. But I would much rather avoid trying to impose my or anyone else's conception but to work to that end in co-operation and amity and see how, after we have settled these major things about the Constitution etc., after we have attained an even greater measure of stability, we can take up each one of these separate questions and dispose of them in a much better atmosphere.

The House will remember that when I brought that motion of the Objectives Resolution before this House, I referred to the fact that we were asking for or rather we were laying down that our Constitution should be framed for an Independent Sovereign Republic. I stated at that time and I have stated subsequently this business of our being a Republic is entirely a matter for us to determine of course, it has nothing or little to do with what relations we should have with other countries, notably the United Kingdom or the Commonwealth that used to be called the British

Commonwealth of Nations. That was a question which had to be determined again by this House and by none else, independently of what our Constitution was going to be. I want to inform the House that in recent weeks when I was in the United Kingdom, whenever this subject or any allied subject came up for a private discussion—there was no public discussion or decision because the Commonwealth Conference which I attended did not consider it at all in its sessions—but inevitably there were private discussions, because it is a matter of high moment not only for us but for other countries as to what, if any, relation we should have, what contacts, what links we should bear with these other countries. Therefore, the matter came up in private discussion. Inevitably the first thing that I had to say in all these discussions was this that I could not as an individual—even though I had been honoured by this high office of Prime Ministership—I could not in any way or in any sense commit the country—even the Government which I have the honour to represent could not finally decide this matter. This was essentially a matter which the Constituent Assembly of India alone can decide. That I made perfectly clear. Having made that clear, I further pointed out that this Objectives Resolution of this Constituent Assembly. I said it is open of course to the Constituent Assembly to vary that Resolution as it can vary anything else because it is Sovereign in this and other matters. Nevertheless that was the direction which the Constituent Assembly gave to itself and to its Drafting Committee for Constitution, and so long as it remains as it is, and I added that so far as I knew it would remain as it is — that Constitution would be in terms of that Objectives Resolution. Having made that clear, Sir, I said that it has often been said on our behalf that we desire to be associated in friendly relationship with other countries, with the United Kingdom and the Commonwealth. How in this context it can be done or it should be done is a matter for careful consideration and ultimate decision naturally on our part by the Constituent Assembly, on their part by their respective Governments or peoples. That is all I wish to say about this matter at this stage because possibly in the course of this session this matter no doubt will come up before the House in more concrete form. But in whatever form it may come up whether now or later, the point I should like to stress is this, that it is something apart from and in a sense independent of the Constitution that we are considering. We pass that Constitution for an Independent Sovereign Democratic India, for a Republic as we choose, and the second question is to be considered separately at whatever time it suits this House. It does not in any sense fetter this Constitution of ours or limit it because this Constitution coming from the people of India through their representatives represents their free will with regard to the future governance of India.

Now, may I beg again to repeat what I said earlier and that is this that destiny has cast a certain role on this country. Whether anyone of us present here can be called men or women of destiny or not I do not know.

That is a big word which does not apply to average human beings, but whether we are men or women of destiny or not, India is a country of destiny and so far as we represent this great country with a great destiny stretching out in front of her, we also have to function as men and women of destiny, viewing all our problems in that long perspective of destiny and of the World and of Asia, never forgetting the great responsibility that freedom, that this great destiny of our country has cast upon us, not losing ourselves in petty controversies and debates which may be useful but which will in this context be either out of place or out of tune. Vast numbers of minds and eyes look in this direction. We have to remember them. Hundreds of millions of our own people look to us and hundreds of millions of others also look to us; and remember this, that while we want this Constitution to be as solid and as permanent a structure as we can make it, nevertheless there is no permanence in Constitutions. There should be a certain flexibility. If you make anything rigid and permanent, you stop a Nation's growth, the growth of a living vital organic people. Therefore, it has to be flexible. So also, when you pass this Constitution you will, and I think it is proposed, lay down a period of years—whatever that period may be—during which changes to that Constitution can be easily made without any difficult process. That is a very necessary proviso for a number of reasons. One is this: that while we, who are assembled in this House, undoubtedly represent the people of India, nevertheless I think it can be said, and truthfully, that when a new House, by whatever name it goes, is elected in terms of this Constitution, and every adult in India has the right to vote—man and woman—the House that emerges then will certainly be fully representative of every section of the Indian people. It is right that that House elected so—under this Constitution of course it will have the right to do anything—should have an easy opportunity to make such changes as it wants to. But in any event, we should not make a Constitution such as some other great countries have, which are so rigid that they do not and cannot be adapted easily to changing condition. Today especially, when the world is in turmoil and we are passing through a very swift period of transition, what we may do today may not be wholly applicable tomorrow. Therefore, while we make a Constitution which is sound and as basic as we can, it should also be flexible and for a period we should be in a position to change it with relative facility.

May I say one word again about certain tendencies in the country which still think in terms of separatist existence or separate privileges and the like? This very Objectives Resolution set out adequate safeguards to be provided for minorities, for tribal areas, depressed and other backward classes. Of course that must be done, and it is the duty and responsibility of the majority to see that this is done and to see that they win over all minorities which may have suspicions against them, which may suffer from fear. It is right and important that we should raise the level of the backward

groups in India and bring them up to the level of the rest. But it is not right that in trying to do this we create further barriers, or even keep on existing barriers, because the ultimate objective is not separatism but building up an organic nation, not necessarily a uniform nation because we have a varied culture, and in this country ways of living differ in various parts of the country, habits differ and cultural traditions differ. I have no grievance against that. Ultimately in the modern world there is a strong tendency for the prevailing culture to influence others. That may be a natural influence. But I think the glory of India has been the way in which it has managed to keep two things going at the same time: that is, its infinite variety and at the same time its unity in that variety. Both have to be kept, because if we have only variety, then that means separatism and going to pieces. If we seek to impose some kind of regimented unity that makes a living organism rather lifeless. Therefore, while it is our bounden duty to do everything we can give full opportunity to every minority or group and to raise every backward group or class, I do not think it will be a right thing to go the way this country has gone in the past by creating barriers and by calling for protection. As a matter of fact nothing can protect such a minority or a group less than a barrier which separates it from the majority. It makes it a permanently isolated group and it prevents it from any kind of tendency to bring it closer to the other groups in the country.

I trust, Sir, that what I have ventured to submit to the House will be borne in mind when these various clauses are considered and that ultimately we shall pass this Constitution in the spirit of the solemn moment when we started this great endeavour.

SHRI N. MADHAVA RAU–IN DEFENCE OF THE BASIC PRINCIPLES

9 NOVEMBER 1948

When any federal constitution is in the process of making, there are always two opposing sets of views, namely, the views of those who want to make the Centre strong, and the views of those who would plead for the utmost extent of State autonomy. The provisions of the Draft Constitution are necessarily a compromise, tentatively suggested, of these opposing views.

Mr. Vice-President, I had not intended to join in this discussion, but in the course of the debate, several remarks were made not only on the provisions of the Draft Constitution, but on the manner in which the Drafting Committee had done their work. There was criticism made on alleged faults of commission and omission of the Committee. Mr. Alladi Krishnaswami Ayyar who spoke yesterday and Mr. Saadulla who will speak on behalf of the Committee a little later have cleared or will clear the misapprehensions on which this criticism is based. I felt that as a member of the Committee who participated in many of its meetings, after I had joined the Committee I should also contribute my share in removing these misapprehensions if they exist among any large section of the House.

It is true that the Draft Constitution does not provide for all matters, or in just the way, that we would individually have liked. Honourable Members have pointed out, for instance, that cow-slaughter is not prohibited according to the Constitution, Fundamental Rights are too profusely qualified, no reference is made to the Father of the Nation, the National Flag or the National Anthem. And two of our Honourable friends have rightly observed that there is no mention even of God in the Draft Constitution. We have all our favourite ideas; but however sound or precious they may be intrinsically in other contexts, they cannot be imported into the Constitution unless they are germane to its purpose and are accepted by the Constituent Assembly.

Several speakers have criticised the Draft on the ground that it bears no impress of Gandhian philosophy and that while borrowing some of its provisions from alien sources, including the Government of India Act, 1935, it has not woven into its fabric any of the elements of ancient Indian polity.

Would our friends with Gandhian ideas tell us whether they are prepared to follow those ideas to their logical conclusions by dispensing, for instance, with armed forces; by doing away with legislative bodies, whose work, we have been told on good authority, Gandhiji considered a waste of time; by scrapping our judicial system and substituting for it some simple and informal methods of administering justice; by insisting that no Government servant or public worker should receive a salary exceeding Rs. 500 per month or whatever was the limit finally fixed? I know some of the Congress leaders who sincerely believe that all this should and could be done. But we are speaking now of the Constitution as it was settled by the Constituent Assembly on the last occasion. Apart from the Objectives Resolution (which is otherwise known as India's Charter of Freedom) and the enunciation of Fundamental Rights, the decisions of the Assembly dealt, sometimes in detail and sometimes in outline, with questions relating to the composition and powers of the Legislature, the executive authority and the judiciary of the Union and of the provinces, the distribution of legislative powers and administrative relations between the Union and the units, finance and borrowing powers, the amendment of the Constitution and so on. Is there any instance in which a decision of the Assembly embodying Gandhian principles has not been faithfully reproduced in the Draft Constitution? If it is the contention of these critics that the decisions of the Assembly itself have fallen short or departed from those principles, that is of course another matter.

Then those of our friends who wanted indigenous ideas of polity to be embodied in the Constitution would have to admit that while (as has been pointed out by an honourable Member today) there might have been republics in the northern India in the days of Alexander, by and large, kingship was an integral part of Indian polity. At a time when the institution of kingship is so unpopular, when even Indian rulers are barely tolerated although they have shed all power, when formal elections and ballot boxes unknown to our ancestors are regarded as the *sine qua non* and authentic symbols of democracy, it would be unreal to pretend to seek guidance for our immediate task in the ancient political philosophy of India. A more pertinent point is this. Why did not the exponents of these fine ideas press them on the attention of the House at the proper time and secure their acceptance when the Constitution was more or less settled during the last session? Why do they not do so even now if they have any feasible suggestions to make? Why should they blame the Drafting Committee for not incorporating in the Draft what can only be described as belated second thoughts?

There is undoubtedly a feeling among some Congress circles and others that the National Government in the Centre and the people's Government in the provinces are both departing from the principles of Gandhiji, that they are carrying on the much the same bureaucratic way as their alien predecessors and that the promised Ramrajya is nowhere near being realised.

In these circumstances, "back to Gandhi" has become a sort of militant slogan and a challenge to the authorities. It might or might not be right, but it has to be addressed to the proper quarter. To apply that slogan in the context of the very restricted task entrusted to the Drafting Committee seems to be entirely pointless. I am reminded of a couplet written about an archaeologist of the name of Thomas Hearn. This is how it runs:

"Quoth Time to Thomas Hearn
What I forget you learnt."

"You learn what I forget" seems to be rather naive advice.

x x x x

It is very unfortunate that a good deal of controversy arose in regard to village panchayats. Dr. Ambedkar's strong remarks on the subject were apparently based on his own experience. But, like Mr. Alladi Krishnaswami Ayyar, I wish to speak for myself in the light of my own experience. For over thirty years, the Mysore Government have put the revival of village communities and the improvement of the working of village panchayats in the forefront of their activities. A great deal of public expenditure has been incurred on this account. All officers concerned from the Dewan to the Tahsildar have, according to their lights, given personal attention to the condition of the villages. The present popular Government in Mysore, are, I understand, making still more intensified efforts in the same direction. The results are, in my opinion encouraging and in some cases, quite gratifying. It is true some villages are chronically faction-ridden and indulge in petty tyrannies, or remain the strongholds of untouchability. A considerable number are apathetic or even moribund. But about thirty per cent could be classed as good; that is to say, they had held regular meetings, collected panchayat taxes, undertaken some optional duties and carried out works of public utility and weekly cleaning by voluntary labour contributed by the villagers and had taken steps to ensure the vaccination of children and so on. The success that has been achieved such as it is, is largely conditioned by the initiative of a good headman or other influential land-lord. I am sure that experience in other parts of the country is more or less the same. In certain small Indian States, where the bureaucratic system of administration had not penetrated, I found remarkable self-help and organised effort in the villages. With sustained effort on the part of the provincial and State Governments, the resuscitation of village communities may well be hoped for. As the Members of the Assembly are aware, Gandhiji was very particular about constructive work in the villages. This is what he said on one occasion. "If the majority of congressmen were derived from our villages, they should be able to make our villages models of cleanliness in every sense. But they have never considered it their duty to identify themselves with the villagers in their daily lives". There is nothing in the Draft Constitution to prevent provincial Governments from developing the village panchayats system as

vigorously and as rapidly as they are capable of doing. The only point which has now come into prominence is whether the electoral scheme for the legislatures should be founded on these panchayats, if the House comes to the decision that this should be done, two Articles in the Draft Constitution have to be slightly amended. But, before taking such a step, the Assembly will have very carefully to consider whether by throwing the village panchayats into the whirlpool of party politics, you will not be destroying once for all their usefulness as agencies of village administration.

In curious contrast with those Members who found fault with the Drafting Committee for not presenting to them a Constitution according to their own ideas, although they had not been approved by the Assembly, there were others who criticised the Committee for having exceeded its instructions. This is an aspect of the matter which will be dealt with by the next Speaker. I have only to say, in view of the criticism of Mr. B. Das, that by accepting membership of the Drafting Committee, Members have not given up their freedom to express their views either from the Committee room or the floor of this House.

The Draft Constitution is nothing more than a detailed agenda for this session, it is to serve as the basic working paper so to speak. There are other papers too, such as the Report of the Expert Committee on Finance and the Report of the Committee on Centrally Administered Areas. This is not the only paper before the House. If the Draft Constitution is viewed in this light, I am sure Members will appreciate that the charge that the Committee has, in any way exceeded its instructions is unfounded.

One of the honourable Members observed that this constitution if adopted would become a fruitful source of litigation. So long as the Constitution is of a federal type, the possibilities of litigation cannot be excluded. It is all the more necessary, therefore, that all Articles and Clauses are closely scrutinised to ensure that litigation and consequent uncertainties of administration are minimised if they cannot be avoided.

Sir, there are one or two points which I should like to refer to in this connection. One is this: when any federal constitution is in the process of making, there are always two opposing sets of views, namely, the views of those who want to make the Centre strong, and the views of those who would plead for the utmost extent of State autonomy. The provisions of the Draft Constitution are necessarily a compromise, tentatively suggested, of these opposing views. My own feeling is that the scales have been tilted a little towards the Centre. If this feeling is shared by any large section of the House, it should be possible to adjust the balance in the direction desired. The second point, Sir, is that the provisions relating to the accession of States are meagre. There have been so many different kinds of mergers of late and the final pattern, so far as we know, has not yet emerged. The

exact procedure by which the States will accede to the Union has to be determined at an early date so that the names of the acceding States may be mentioned in the appropriate Schedule and other relevant parts of the Constitution finalised.

There is a good deal of wisdom in the saying: "For forms of Government let others contest; whatever is best governed is best". However, things being what they are, unfortunately, we have to have some sort of written Constitution and it has inevitably, to be a lawyer's Constitution. If it is possible for any honourable Members to animate the Draft Constitution by a Promethean breath of ancient political wisdom or exalted patriotic sentiment, many of us in this House would surely welcome such an effort.

SARDAR VALLABHBHAI PATEL-INTEGRATION OF STATES

12 OCTOBER 1949

> By integrating 500 and odd States into sizeable units and by the complete elimination of centuries-old autocracies, the Indian democracy has won a great victory of which the Princes and the people of India alike should be proud. This is an achievement which should rebound to the credit of any nation or people at any phase of history.

It has been my endeavour to keep the House fully informed of our policy and the developments in respect of the States. Apart from the statements I have made on the floor of the House from time to time, I laid before the House in July last year a White Paper on States in which it was set out in detail not only the policy pursued by the Government of India towards the States but also the various agreements and Covenants entered into with the Rulers were reproduced. In March last I placed before the House another detailed report on the policy and the working of the Ministry of States. Now, that the process of integration of the States has been completed, I propose to place before the House next month another State Paper which Will contain a comprehensive review of all the developments which have taken place in respect of the Indian States since this Government was called upon to face the problem of States.

The amendments which are now being proposed concerning the provisions of the Constitution applicable to the States, embody the results of the bloodless revolution which within a remarkably short period, has transformed the internal and external set up of the States. The fact that the new Constitution specifies only nine States in Part III of Schedule I is an index to the phenomenal progress made by the policy of integration pursued by the Government of India. By integrating 500 and odd States into sizeable units and by the complete elimination of centuries-old autocracies, the Indian democracy has won a great victory of which the Princes and the people of India alike should be proud. This is an achievement which should rebound to the credit of any nation or people at any phase of history.

As the House is aware, when the States entered the Constituent Assembly, of India, it was thought that the Constitution of the States would not form part of the Constitution of India. It was also understood that unlike the Provinces the accession of the States to the Indian Union would not be automatic but would be by means of some process of ratification of the Constitution. In the context of those commitments and the conditions then

obtaining certain provisions were incorporated in the Draft Constitution, which placed the States in certain important respects on a footing different from that of the Provinces.

As a result of the policy of integration and democratization of States pursued by the Government of India since December 1947 the process of what might be described as 'unionisation' of States has been greatly accelerated. Two important developments in this direction have been the extension of the legislative authority of the Dominion over the States and the federal financial integration of the States. The States had originally acceded in respect of the three subjects of Defence, Foreign Affairs and Communications only. With the formation of the Unions the legislative power of the Dominion Parliament was extended in respect of the Unions of States to all matters specified in the Federal and Concurrent Lists except those relating to taxation. The content of the accession of the State of Mysore was also likewise extended.

In any Constitution, difficulties... may arise but human ingenuity always finds a remedy when such abnormalities occur.

Sardar Vallabhbhai Patel

The gap in the financial field has now been filled by the arrangements which have been negotiated, with the States on the basis of the recommendations made by the Indian States Finances Enquiry Committee. The fundamental basis of this scheme is that federal financial integration of the States is a necessary consequence of the basic conception underlying the new Constitution of the Union of India—that of Provinces and States as equal partners. The scheme, therefore, is based upon complete equality between the Provinces and States in the following respects :—

(1) The Central Government should perform the same functions and exercise the same powers in States as in Provinces;

(2) The Central Government should function through its own executive organisations in States as in Provinces;

(3) There should be uniformity and equality in the basis of contributions to Central resources from Provinces and States;

(4) There should be equality of treatment as between Provinces and States in the matters of common services rendered by the Central Government, and as regards the sharing of divisible federal taxes, grants-in-aid, 'subsidies', and all other forms of financial and technical assistance.

The fact that these far-reaching changes in our fiscal structure are being introduced with the full concurrence of the States is in itself a great tribute to the excellent work done by the Indian States Finances Enquiry Committee under the chairmanship of Sir V. T. Krishnamachari, who brought to bear on this important problem his vast experience in Indian States.

These important developments enabled us to review the position of the States under the new Constitution and to remove from it all vestiges of anomalies and disparities which found their way into the new Constitution as a legacy from the past.

When the Covenants establishing the various Unions of States were entered into, it was contemplated that the Constitutions of the various Unions would be formed by their respective Constituent Assemblies within the framework of the covenants and the Constitution of India. These provisions were made in the covenants at a time when we were still working under the shadow of the theory, that the assumption, by the Constituent Assembly of India, of the constitution-making authority in respect of the States would constitute an infringement of the autonomy of the States. As however, the States came closer, to the Centre, it was realised that the idea of separate Constitutions being framed for the different Constituent units of the Indian Union was a legacy from the Rulers' polity and that in a people's polity there was no scope for variegated constitutional patterns. We, therefore, discussed this matter with the Premiers of the various Unions and decided, with their concurrence, that the Constitution of the States should also form an integral part of the Constitution of India. The readiness with which the legislatures of the three States in which such bodies are functioning at present, namely, Mysore, Travancore and Cochin Union and Saurashtra, have accepted this procedure, bears testimony to the wish of the people of the States to eschew the separatist trends of the past.

In view of these important developments it became necessary to recast a number of the provisions of the Constitution insofar as they related to the States. The amendments we are proposing have been examined by the Constitution-making bodies of Mysore, Saurashtra and Travancore and Cochin

Union. Some of the modifications proposed by these bodies have been incorporated in the amendments tabled before the House. Others have been dropped as a result of the discussions I have had with the representatives of these Constituent Assemblies.

It is a matter of deep regret for me that it has not been possible for us to adopt a similar procedure for ascertaining the wishes of the people of the other States and Unions of States through their elected representatives. Unfortunately, we have no properly constituted legislatures in the rest of the States; nor will it be possible to have legislatures constituted in them before the Constitution of India emerges in its final form. We have, therefore, no option but to make the Constitution operative in these States on the basis of its acceptance by the Ruler or the Rajpramukh, as the case may be, who will no doubt consult their Councils of Ministers. I am sure neither the honourable Members representing those States in this House nor the people of the States generally, would wish that the enforcement of the Constitution in these States should be held over until legislatures or constitution-making bodies are constituted in them. The legislatures of these States, when, constituted under the new Constitution, may propose amendments to the Constitution. I wish to assure the people of these States that any recommendations made by their first legislatures would receive our earnest consideration. In the meantime, I have no doubt, that the Constitution framed by this House, where all the States except one are duly represented, will be acceptable to them.

In view of the special problems with which the Government of Jammu and Kashmir is faced, we have made a special provision for the continuance of the constitutional relationship of the State with the Union on the existing basis. In the case of Hyderabad State the acceptance of the Constitution will be subject to ratification by the people of the State.

As the House will see, in several respects the Constitution as it now emerges, is different from the original draft. We have deleted such provisions, as articles 224 and 225, which imposed limitations on the Union's legislative and executive authority in relation to States in the federal sphere. The entries in the Legislative List, which differentiated between the States and Provinces have likewise been dropped. The legislative and executive authority of the Union in respect of the States will, therefore, be co-extensive with its similar authority in and over the Provinces. Subject to certain adjustments during the transitional period, the fiscal relationship of the States with the Centre will also be the same as that between the Provinces and the Centre. The jurisdiction of the Supreme Court will now extend to the States to the same extent as in the case of the Provinces. The High Courts of the States are to be constituted and will function in the same manner as the Provincial High Courts. All the citizens of India, whether residing in States or Provinces, will enjoy the same fundamental rights and

the same legal remedies to enforce them. In the matter of their constitutional relationship with the Centre and in their internal set-up the States will be on a par with the Provinces.

I am sure the House will note with gratification the important fact that unlike the scheme of 1935, 'our new Constitution is not an alliance between democracies and dynasties, but a real union of the Indian people built on the basic concept of the sovereignty of the people. It removes all barriers between the people of the States and the people of Provinces and, achieves for the first time the objective of a strong democratic India built on the true foundation of a co-operative enterprise on the part of the people of the Provinces and States alike.

As the House is acquainted with trends of developments affecting the States it is not necessary for me to explain to the House the various amendments which have been tabled. There are two or three matters, however, about which I should like to make a few observations.

One of these is the proposed article 306-B. As the House is aware, the States, as we inherited them, were in varying stages of development. In most cases the advance had to be made from the starting point of pure, autocracy. Having regard to the magnitude of the task, which confronted the Governments of the Unions in the transitional period, and to the fact that neither the Services inherited by them nor the political organisations, as they existed there, were in a position to assume, unaided, full responsibilities of the administration, we made a provision in some of the Covenants that till the new Constitution came into operation in these Unions, the Rajpramukh and the Council of Ministers shall, in the exercise of their functions, be under the general control of the Government of India and comply with the instructions issued by that Government from time to time. The stress of the transitional phase is likely to continue for some years. We are ourselves most anxious that the people of these States should shoulder their full responsibilities; however, we cannot ignore the fact that while the administrative organisation and political institutions are to be found in most of the States in a relatively less developed state, the problems relating to the integration of the States and the change-over from an autocratic to a democratic order are such, as to test the mettle of long established administrations and experienced leaders of people. We have therefore, found it necessary that in the interest of the growth of democratic institutions in these States, no less than the requirements of administrative efficiency, the Government of India should exercise general supervision over the Governments of the States till such time as it may be necessary.

It is natural that a provision of this nature which treats States in Part III differently from Part I States should cause some misgivings. I wish to assure the honourable Members representing these States, and through them the people of these States that the provision involves no censure of

any Government. It merely provides for contingencies which, in view of the present conditions, are more likely to arise in Part III States than in the States of other categories. We do not wish to interfere with the day-to-day administration of any of the State. We are ourselves most anxious that the people of the States should learn by experience. This article is essentially in the nature of a safety-value to obviate recourse to drastic remedies such as the provisions for the breakdown of the constitutional machinery. It is quite obvious that in this matter the States, *e.g.*, Mysore and Travancore and Cochin Union where democratic institutions have been functioning for a long time and where Governments responsible to legislatures are in office, have to be treated differently from the States not conforming to these standards. In all these cases our control will be exercised in varying degrees according to the requirements of each case. The proviso to the article gives us the necessary discretion to deal with each case on its merits.

I hope this statement which embodies our considered policy will allay any apprehension which the Governments of any of these States may have concerning this article.

Another matter about which I would like to remove misgivings is the proposed amendment to article 3. This amendment places the States in Part III on the same footing as the States in Part I in respect of territorial readjustments. The Constituent Assembly of Mysore recommended to us that the article as already adopted by this House, which provides for prior consent of Part III States before any proposals affecting their territories are placed before the House, should remain unaltered. We have not found it possible to agree to the suggestion for the simple reason that in such matters there should be no differentiation between Part I and Part III States. I, however take this opportunity of assuring the representatives of Mysore State that whether the article provides for consultation or consent of the legislature of the affected State, the wishes of the people cannot be ignored either by the Central Government or legislature. After all, we are a democracy; the main sanction behind us is the will of the people and we cannot act in disregard of public opinion.

I now come to the proposed article 267-A in respect of which some explanation is necessary. The Government of India have guaranteed to the Rulers of merged and integrated States payment of privy purses as fixed under the terms of the various Convenants and Agreements of Merger. Article 267-A give constitutional recognition to these guarantees and provides for this expenditure being charged on the Central Revenues subject to such recoveries as may be made from time to time from the Provinces and States in respect of these payments.

I shall first deal with the financial aspect of these arrangements. In the past, in most of the States there was no distinction between the expenditure

on the administration and the Ruler's privy purse. Even where the Ruler's privy purse had been fixed no effective steps were taken to ensure that the expenditure expected to be covered by the privy purse was not, directly or indirectly, charged on the revenues of the State. Large amounts, therefore, were spent on the Rulers and on the members of the ruling families. This expenditure has been estimated to exceed twenty crores of rupees per year.

All the agreements of merger and Covenants now provide for the fixation of the Ruler's privy purse which is intended to cover all the expenses of the Rulers and their families including the expenses of their residences, marriages and other ceremonies, etc. The privy purse guaranteed under these agreements is less than the percentage for the Deccan States under the award given by Dr. Rajendra Prasad, Shri Shankerrao Deo and Dr. Pattabhi Sitaramayya. It is calculated on the basis of 15 per cent. on the first lakh of average annual revenue of the State concerned ten per cent. on the next four lakhs and seven and a half per cent. above five lakhs, subject to a maximum of ten lakhs. The maximum figure of ten lakhs has been exceeded only in the case of some of the major States, which had been recognised as viable and the amounts fixed in such cases are payable during their life-time only. The total annual privy purse commitments so far made amount to about Rs. four and a half crores. When the amounts guaranteed to certain Rulers during their life-time are subsequently refixed the total annual expenditure in respect of privy purses will amount to less than Rs. four crores.

Under the terms of the Covenants and the agreements entered into by the Rules privy purses are payable to the Rulers, out of the revenues of the States concerned and payments have so far been made accordingly. During the of the discussions with the Indian States Finances Enquiry Committee, it urged by most of the States that the liability for paying privy purses of Rulers should be taken over by the Centre on the ground that—

(a) privy purses have been fixed by the Centre;

(b) privy purses are political in nature; and

(c) similar payments are not made by the Provinces.

Apart from these considerations, the position has definitely changed since the execution of the Covenants. In the first place, so far as the merged States are concerned, with their total extinction under the new Constitution of India, as separate entities, the basis of liability for privy purse payments guaranteed to the Rulers of the States will undergo a change, in that the States, from the revenues of which privy purses are payable, would cease to exist. Secondly. the term "revenues of the State" has now to be viewed in the context of the federal financial integration of States. This integration involves a two-fold process; one, of 'functional'

partition of the present composite State Governments and the other of 'merger' of the partitioned 'federal' portions of the State Governments with the present Central Government. It follows, therefore, that when the federal financial integration becomes effective, the liability in respect of privy purse payments should strictly speaking be shared on an equitable basis by the functional successors to the Governments of merged and integrated States, that is, the Central Government, an the one hand and the Governments of Provinces and States on the other. Having regard to all these factors, we have decided that the best course would be that these payments should constitute a charge on the Central revenues, but that, at the same time, provision should be made for the recovery of such contributions from the Governments of the States, during such transitional period and in such amounts as may be considered appropriate. These recoveries are to be made in accordance with the scheme for financial integration of the States.

I have already stated that the privy purse settlements made by us will reduce the burden of the expenditure on the Rulers to at least one-fourth of the previous figure. Besides, the States have benefited very considerably form the process of integration in the form of cash balances inherited by them from the Rulers. Thus, for instance, the Rajpramukh of Madhya Bharat alone has made over to the Union large sums of money yielding interest sufficient to cover a major portion of the total privy purses of the Rulers, who have joined this Union. So, far as the assumption of the part of the burden by the Centre is concerned, we must remember that this arrangement flows as a consequence of the financial integration of the States, which will have an effect of lasting character on the economy of this country. The fiscal unification of India will patch up the disruptive rents in the economy of India which rendered effective implementation of economic policies in the Provirces impossible. Thus, for instance, in the matter of income-tax evasion alone, which has been a serious matter in recent years the gains from federal financial integration will prove very substantial. From the financial point of view, therefore, the arrangements we have made are going to benefit very materially the economy of this country.

I shall now come to the political and moral aspect of these settlements in order to view the payments guaranteed by us in their correct perspective, we have to remember that they are linked with the momentous developments affecting the most vital interests of this country. These guarantees form part of the historic settlements which ensfirine in them the consummation of the great ideal of geographical, political and economic unification of India, an ideal which for centuries remained a distant dream and which appeared as remote and as difficult of attainment as ever even after the advent of Indian independence.

Human memory is proverbially short. Meeting in October, 1949, we are apt to forget the magnitude of the problem which confronted us in August, 1947. As the honourable Members are aware, the so-called lapse of paramountcy was a part of the Plan announced on June 3, 1947, which was accepted by the Congress. We agreed to this arrangement in the same manner as we agreed to the partition of India. We accepted it because we had no option to act otherwise. While there was recognition in the various announcements of the British Government of the fundamental fact that each State should link up its future with the Dominion with which it was geographically contiguous, the Indian Independence Act released the States from all their obligations to the British Crown. In their various authoritative pronouncements, the British spokesmen recognised that with the lapse of paramountcy, technically and legally the States would become independent. They even conceded that theoretically the States were free to link their future with whichever Dominion they liked although, in saying so, they referred to certain geographical compulsions, which could not be evaded. The situation was indeed fraught with immeasurable potentialities of disruption, for some of the Rulers did wish to exercise their technical right to declare independence and others to join the neighbouring Dominion. If the Rulers had exercised their right in such an unpatriotic manner, they would have found considerable support from influential elements hostile to the interests of this country.

It was against this unpropitious background that the Government of India invited the Rulers of the States to accede on three subjects of Defence, External Affairs and Communications. At the time the proposal was put forward to the Rulers, an assurance was given to them that they would retain the status two except for accession on these subjects. It had been made clear to them that this accession did not also imply any financial liability on the part of the States—and that there was no intention either to encroach on the internal autonomy or the sovereignty of the States or to fetter their discretion in respect of their acceptance of the new Constitution of India. These commitments had to be borne in mind when the States Ministry approached the Rulers for the integration of their States. There was nothing to compel or induce the Rulers to merge the identity of their States. Any use of force would have not only been against our professed principles but would have also caused serious repercussions. If the Rulers had elected to stay our, they would have continued to draw the heavy civil lists which they were drawing before and in large number of cases they could have continued to enjoy unrestricted use of the State revenues. The minimum which we could offer to them as *quid pro quo* for parting with their ruling powers was to guarantee to them privy purses and certain privileges on a reasonable and defined basis. The privy purse settlements are therefore in the nature of consideration for the surrender by the Rulers of all their ruling powers and also for the dissolution of the States, as

separate units. We would do well to remember that the British Government spent enormous amounts in respect of the Mahratta settlements alone. We are ourselves honouring the commitments of the British Government in respect of the pensions of those Rulers who helped them in consolidating their Empire. Need we cavil then at the small—purposely use the, word—small—price we have paid for the bloodless revolution which has affected the destinies of millions of our people.

The capacity for mischief and trouble on the part of the Rulers if the settlement with them would not have been reached on a negotiated basis was for greater than could be imagined at this stage. Let us do justice to them; let us place ourselves in their position and then assess the value of their sacrifice. The Rulers have now discharged their part of the obligations by transferring all ruling powers and by agreeing, to the integration of their States. The main part of our obligation under these agreements, is to ensure that the guarantees given by us in respect of privy purse are fully implemented. Our failure to do so would be a breach of faith and seriously prejudice the stabilisation of the new order.

In commending the various provisions concerning the States to the House I would ask the Honourable Members to view them as a coordinated over-all settlement of a gigantic problem. A particular provision isolated from its context may give a wholly erroneous impression. Some of us might find fault with what might appear as relics of the previous autocratic set up. I wish to assure Honourable Members that autocracy in the States has gone and has gone for good. Let us not get impatient with any particular term which might remind us of the past. The form in which the Rulers find recognition in the new Constitution of India, in no way impairs the democratic set up of the States. The Rulers have made an honourable exist;—it now remains for the people to fill the breach and to derive full benefit from the new order.

I take the liberty to remind the House that at the Haripura Session the Congress in 1938 defined its objective in respect of the States as follows:—

> "The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The Purna Swaraj or complete Independence, which is the objective of the Congress, is for the whole of India, inclusive of the States, for the integrity and unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of federation that can be to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India."

I am sure the House will agree with me when I say that the provision which we are now placing before the House embody in them full achievement of that objective.

SHRI M.A. AYYANGAR-ACHIEVEMENTS OF THE CONSTITUENT ASSEMBLY

18 NOVEMBER 1949

The Constitution is an absolutely democratic Constitution. It vests the sovereignty in the people and enables them to continue to exercise that sovereignty in full. Besides political sovereignty, there is social justice also given in this Constitution.

Sir, the Constitution has had its final touches and this is the occasion for a review of our labours. No doubt we started making this Constitution three years ago. The time that has been spent is not a long one and it is time well spent. When we started under the Cabinet Mission Scheme the Centre was expected to embrace and have a constitution for the whole of the Indian Union including Pakistan. It was envisaged then that the Centre should be weak with powers only over defence, communications and external affairs. If we had accepted the scheme the 565 States in the country would not have come easily into the picture. For no fault of ours the Muslim League did not come in and for one full year we had to wait expecting them to come in—from November or December 1946 to the 15th of August 1947, when the country was partitioned. After the 15th August 1947 for a long period we were faced with difficulties like those created by the Partition, the refugees, the murder of Mahatma Gandhi, the Hyderabad tangle, the Kashmir war which all took a lot of our time. We settled down later and calculating the number of days on which we sat we have not spent more than five months during this long period. On account of causes beyond our control we were not able to push these matters through. Considering the various problems and their magnitude and the various interests that have to be reconciled, any other country with a vast population like ours, I am sure, would have taken not three but many more years to frame its constitution. Therefore it is a matter for pride to us that we have ended our labours at last at the end of three years.

Let us see what we did during this period, which is apparently long but is really short in time. We have achieved many wonderful things. We have brought about the unification of India and it is not a mere paper achievement. As we went on during this period framing the various articles of the Constitution, we went on implementing them at the same time. In fact we settled many problems and then embodied them in the Constitution. The integration of the 565 and odd States in the Indian Union could not have

been achieved in any other country without a bloody revolution. A bloodless revolution has brought about this achievement and it must be a wonder to our erstwhile British masters that we have brought about this event without shedding a single drop of blood and so easily that people have reconciled themselves to it. The Maharajas and Princes have gladly come into the Union and are prepared to work it.

The next achievement is with regard to the constitution of the States. First, the States were unwilling to come into line and when they were also called along with the Provinces they have adopted the model constitution framed for the States. That also has been achieved without much trouble or protest. The persons in charge have managed it successfully and almost every State has come into the Union.

The minority problem could not have been solved easily but thanks to the integrity of the various religious and other minorities, the separate electorates through which the British Government divided one community from another in this country and ruled it, were given up. They gave up at the outset separate electorates for joint electorates with reservation of seats but laterly they have given up even the reservation. Thanks to their farsightedness it marks one more step in the unification of this country and I am sure this will be worked in the spirit in which the minorities have acceded to it. It is now left to the majority community to show that whatever religion an individual may belong to, it is only his talents and spirit of service that will count and not his community and persons belonging to the minority communities will not be discriminated against merely because they belong to particular minority communities. I am sure the majority community will accept the hand that has been stretched out by the minorities, who have gladly given up their reservations.

Another vexed question was the division of powers between the units and the Centre. A committee was appointed and the premiers of provinces who came before it gladly yielded wherever it was found necessary and thus strengthened the Centre. Even in the field of industry and commerce wherever Parliament found it necessary that in the public interests of India as a whole a particular industry should be regulated by the Central legislature it was granted as a concession in the interests of the country as a whole.

The allocation of financial powers as between the Centre and the States and Provinces loomed very large and at one stage it appeared almost insoluble. The sales tax over which a battle royal was fought was ultimately solved harmoniously. Acquisition of property also was no easy matter. Take for instance compensation for the taking over of zamindaris. In other countries the liquidation of feudal tenures would have taken a long time and wars would have been fought on that question. In various provinces zamindari legislation has been set on foot. Regarding compensation though

it appeared at one time that this issue would even break up the whole constitution, ultimately the Nation found a solution in this sphere also.

Then there is the question of language, over which we thought there will be much controversy at one stage. Three or four times we met outside this House and also inside and ultimately we have resolved the question harmoniously. Hindi has been accepted as the *lingua franca* or the official language of India. These are all matters each one of which for its solution would have taken many months, if not years. We have resolved them all in the short period of time at our disposal.

I shall try to answer some of the critics who say that we have spent nearly a lakh of rupees every day or something of that kind. It is all wrong. People from the outside who do not assess things in the proper perspective are carried away by the number of days. The fact is we have not spent much. On the other hand, we have been carrying on in spite of hurdles and have now brought the Constitution successfully to its conclusion.

Let us find out exactly what is the kind of Constitution that we have given to ourselves. I claim that this Constitution is an absolutely democratic Constitution. It vests the sovereignty in the people and enables them to continue to exercise that sovereignty in full. Besides political sovereignty, there is social justice also given in this Constitution. There is no discrimination between one individual and another. All can exercise equal rights without discrimination, so long as a person is not opposed to morality or public conscience. Untouchability has been removed once and for all. In the economic field also, although we have not said so in so many words, we have ushered in a socialistic democracy, which I would have very much liked to have been stated specifically. Equal opportunities have been given to all persons to acquire property.

One criticism levelled against this Constitution is that this is a mere copy of the 1935 Government of India Act and that it does not reflect the genius of our nation. There is some truth in that remark, but it is not wholly true. There are two ideologies today in the political field, which are working in conflict with one another. One is the capitalistic democracy and the other is the socialist dictatorship. Socialist dictatorship prevails in Russia and Capitalistic democracy in the U.S.A. and U.K. The world is today in need of democracy both in the political and the economic fields. It is no use telling a man that he must satisfy himself with political democracy without equal opportunities for property, the means of production being cornered by a few individuals. In a capitalistic democracy, there is political freedom but there is economic dictatorship. In a socialist dictatorship, there is no political freedom, but there is economic democracy. These two forces are fighting and ere long a war may come about. I thought that we must follow the golden mean and frame a Constitution which will usher in

socialistic democracy, both the economic and the political fields being democratic and there being no cornering of power or wealth by a few individuals. One, namely, political democracy, has been ushered in. Every man, woman, without discrimination of race, colour or creed is entitled to hold the sovereignty of this country and bring into existence the form of government which he or she wants and change it from time to time. Normally speaking, literacy or some kind of education is insisted upon as a qualification, but there we have provided that any human being above the age of 21 years is entitled to take part in the formation of the particular kind of government he likes. But in regard to the economic field, I would have very much liked that we should have started with an enunciation of the principle that we are trying to usher in a Democratic Socialistic Republic. But unfortunately we have not been able to carry the rest of the people with us. Even the word "socialism" was reprehensible. But later on, by various clauses in the Directive Principles we have remedied the rigours of capitalism. In Parliament in the enunciation of the industrial policy it was said that we shall follow a mixed economy, that is to say, the State will run the enterprises in certain fields and the others will be left to private enterprise. Though we have not said so in words, there is ample provision in this Constitution which if worked well will ere long usher in a Socialist Democratic Republic in this country.

Then, Sir, it is said that by articles 93 and 371 too much power has been vested in the Centre and that it is likely to lead to Fascist tendencies in this country. I say that it might not lead to any such dictatorship at all. More than 14 per cent are not literate in our country and it will take long to make them literate. I have, therefore, my own doubts as to whether adult suffrage will work in this country. Left to myself, I would have preferred that the village ought to have been made the unit and panchayats must have been formed on adult suffrage with local councils etc., and elections must have been indirect. But we have chosen, in keeping with the times, adult suffrage for this country. I am sure that with the growth of adult education for which we have provided in the Directive Principles, namely, that education must be free and compulsory up to the 14th year for every boy and girl, the unique experiment that we are making in adult suffrage in this country will succeed ere long. Even on the score, we need not have any apprehensions. Until the time everybody becomes literate, a provision like the one made in articles 93 and 371 will be necessary. It is a safeguard which all lovers of freedom in this country must welcome.

Thus, I consider that if these various provisions are worked in the spirit in which they have been framed, peace and harmony will prevail in this country. Members of this House and everyone outside, men and women, should feel that this Constitution is their own. There is no difference made. There is no doubt about it that this is a representative assembly. All communities have taken part in the framing of this Constitution—Hindus,

Muslims, Sikhs, Parsis, Scheduled Castes and representatives from the Scheduled Tribes. All political interests have been represented here. Leaders of all schools of thought are here. Even Dr. Ambedkar, who merely came to watch has taken a leading part in the framing of this Constitution and he is one of the architects of the Constitution we are now passing. The very person who came to doubt and to criticise has ultimately taken charge of this Constitution and framed it. I congratulate him and I congratulate ourselves for the goodwill shown to him and the manner in which he has reciprocated it. After all, by closer contact we can easily understand one another's viewpoint. So long as we are at a great distance, we make much of the small angularities we have. If this Constitution is worked in the spirit in which it has been framed, I am sure we will be one of the foremost nations of the world.

There are also amongst us a number of eminent jurists like Mr. Alladi Krishnaswami Ayyar, whom we cannot easily forget. In spite of his weak and poor health both inside the Assembly and outside in the Committees, he has been rendering yeoman service. We have amongst us also administrators like our Friend Mr. Gopalaswami Ayyangar. He has had great experience as a civil servant, and then as Dewan in the State and later in the Council of States. Though latterly he has gone out of the picture and has not been much in evidence in the Assembly here in the matter of the Constitution after, Dr. Ambedkar has taken it over, I am sure we will not forget the enormous services that he has rendered. Every section of the Assembly has done it best. Some of our friends who have been very energetic in tabling amendments—Mr. Kamath, Mr. Shibban Lal Saksena, Mr. Sidhva and latterly Dr. Punjabrao Deshmukh who has added himself to this list—have all contributed their mite. Though we have not been able to accept many of the amendments tabled by our friend, Prof. K.T. Shah, for whose learning, intelligence and capacity I have a good deal of admiration, he has confessed to me outside the House when I talked to him that though we were not going to accept his amendments, he tabled them because he wanted to lay his point of view before us. He has accepted the defeats in a spirit of good sportsmanship. Therefore I feel that this Constitution has been framed by every one of us doing his bit gladly. If there has been defeats to some, those defeats have been accepted in the spirit of a minority having to submit to the majority view in the hope of converting the majority view in their favour at some future date.

Lastly, Sir, we have not tried to make this country greater in extent. We have no territorial ambitions. We do not want the territory of others. In the international as well as in the domestic field we want peace and harmony. With respect to that we have added a clause in the Constitution stating that in settling disputes between nations, arbitration ought to be the rule and not war. I am sure that, to the best of our ability, we will try to avoid war between nations and act as mediators for the settlement of international disputes by peaceful methods.

Sir, I will be doing an injustice to myself if on this occasion I do not pay my humble tribute to the Father of the Nation—Mahatma Gandhi, the embodiment of love and peace in the world. I had tabled an amendment to the Preamble to the effect that we must start with an invocation for his long and continued blessing to our country and our Constitution. I find that there is a similar provision in the Constitution of Eire beginning with the words 'With the grace of the Almighty. .....' I thought we should similarly start with the words 'With the grace and benediction of Mahatma Gandhi the Father of the Nation'. But my amendment was not allowed. Now, Sir, whether his name appears in the Preamble in writing or not, nobody can erase the peaceful and solemn voice of Mahatma Gandhi from our hearts. With him as our model, let us march on, work from peace to peace until peace and prosperity reign supreme in the world, May God bless us.

SAIYID MUHAMMAD SAADULLA—
SALIENT FEATURES OF THE CONSTITUTION

21 NOVEMBER 1949

> The working of the Constitution alone will show whether it is a workable Constitution or whether it is unsuited to the necessities of the times and the requirements of our people or to the genius of our nation, but if we work it in the spirit of the Preamble, we must say that we have a Constitution which can be made an ideal Constitution by working it in the proper spirit.

Sir, it is said that sometimes silence is golden while speech is silver. In my humble opinion this should have been one of those occasions when silence would have befitted this august Assembly. We have already passed all the amendments to the Draft Constitution in the second reading. Any criticism of the provisions thereof in the third reading is in the nature of a *post-mortem* examination. But when I heard from you, Sir, that as many as 125 Members of this august House, that is more than 40 per cent. of its total strength, desired to speak on this occasion I had to revise my opinion and I thought that this large number must have seen the utility of these discussions, the necessity of criticism being recorded for future guidance. Hence I stand before you today. Moreover there is a Persian saying:

"Marg-e-ambuh jashane darad".

which means even death *en masse* is a festivity in itself. Therefore I have joined this death squad.

I cannot stand here today without showing my dual personality, that is being a Member of this august Assembly as well as being a member of the Drafting Committee. To all those friends who have been kind enough to appreciate the hard and dreary labour that members of the Drafting Committee had to undertake throughout the last two years both on behalf of myself as well as on behalf of my colleagues of the Drafting Committee. I bow my head in grateful thanks. I am not unmindful of conveying our thanks even to those critics who in their superior wisdom had thought fit to criticise the shortcomings of the members of the Drafting Committee. But I am constrained to say that they have looked into this matter from a perspective that is faulty, from an outlook that is wrong and from a focus that is out of alignment.

Sir, the Drafting Committee was not a free agency. They were handicapped by various methods and circumstances from the very start. We were only asked to dress the baby and the baby was nothing but the Objectives Resolution which this Constituent Assembly passed. We were told that the Constitution must conform and remain within the four corners of that Objectives Resolution. Moreover, Sir, whatever we did had to be considered and accepted by this House. How dare any member of the Drafting Committee be so arrogant as to thrust the opinion of seven members against a total number of 308 in this House?

Sir, it is an acknowledged principle of psychology that man is a creature of environments. The Draft Constitution which the members of the Drafting Committee were privileged to place before this House could not evade this universal principle. They had to take the environment and the circumstances prevailing in the country into consideration and many of the provisions which jar against the sense of democracy, even of the members of the Drafting Committee, had to be embodied here on account of forces which were superior to that of the Drafting Committee.

Sir, I remember that many sections of our Draft Constitution had to be recast as many as seven times. A draft section is prepared according to the best in each of the members of the Drafting Committee. It is scrutinised by the particular Ministerial department of Government. They criticise it and a fresh draft is made to meet their criticism or requirements. Then it is considered by the biggest bloc, the majority party in the House—I refer to the Congress Parliamentary Party, who alone can give the *imprimatur* of adoption in the House and sometimes we found that they made their own recommendations which had to be put into the proper legal and constitutional shape by the members of the Drafting Committee.

Sir, no human-made constitution or document is perfect and it is a trite saying that the actual always falls short of the ideal. Even though I am a member of the Drafting Committee, I have very great objection to many of the principles that have been embodied in this Constitution. It does not lie in my mouth to criticise individual provisions of the Draft Constitution, as I am as much responsible as any other member of the Drafting Committee for the incorporation in our Constitution, but yet I am sorely tempted to draw your attention to only two or three things in this Constitution which are entirely repugnant to a free democratic constitution.

First, Sir, the over-centralization in the Centre and the emergency powers given to the President secondly, the limitations on the provisions of civil liberties and the hemming in of our Fundamental Rights by very many objectionable features : thirdly, the want of any provision of financial help to the provinces, although in the previous regime we were apt to say that the then British masters of ours were not administering the country, but they were simply exploiting it. I often heard that the then Government was

not doing any *shasan* but they were doing *shoshan*. But the limitation of our Fundamental Rights was argued by the superior authorities as essentially necessary on account of the forces of disturbance and destruction that is now raging in the country. They said that the liberty of the individual must be subordinated to the liberty of the country. It is quite true, Sir that at no time liberty can be allowed to degenerate into licentiousness, and the forces of freedom must be superior to the forces of the transgressors of peace and security. Therefore, though it went against the grain of free democracy, the Drafting Committee had to put in all those limitations to the Fundamental Rights.

As regards over-centralisation, I need only point out to the emergency powers in Part 18 : article 352 refers to the proclamation of an emergency by the President of the Union. Well this proclamation can be had, according to article 356, for failure of the constitutional machinery in a Province: according to article 360 for financial instability, and according to article 365 for failure to comply with directions issued by the Union. It was very well said by my Friend, Kazi Karimuddin this morning that this will lead to a conflict often times between the Centre and the Provinces, and instead of breathing an atmosphere of independence, freedom and liberty, we will be subject to the utmost interference from the Centre and the President which is bound to go against the very peace, tranquillity and contentment of the people.

Sir, the absence of any provision for financial help to the poorer and needy provinces brings me to the question of the province from which I come, namely Assam. Honourable friends will remember that early this year, I had taken seventy minutes of your time to explain to you the position of financial collapse to which the province has been subjected to unless timely aid comes from the Centre she cannot exist as a unit of the federation. Assam's position is that of a sentinel on the east and north-east boundaries of the vast continent of India where dark and menacing clouds of communism are rising and collecting to the panic and chagrin of all the civilised world. It is very well said that the strength of a unit is the measure of the strength of the federation and, no doubt we have tried to make the Centre strong in the draft of the Federal Constitution for India, Just as the strength of a chain ties in the strength of its weakest link, Assam must be kept up to the standard of a civilized Government; her people must be kept happy and contented as otherwise there is a fear of Assam becoming the favourite hunting-ground of Communism.

I had pointed out both in the local Legislature as well as on the floor of this House that deficit to the tune of $2^1/_2$ crores out of a total income of $5^1/_2$ crores is no matter of unconcern. The Ministry of Assam was strenuous in opposing my notions and deduction from their own budget estimates. But I am glad that I was corroborated day before yesterday by one of the Ministers of the Assam Government, I mean the Rev. Nichols-Roy who said

that the deficit in the current year will come to about two crores. On an earlier occasion, even the Premier of Assam had to warn the House that within two or three years the deficit of Assam will go up to three or four crores. Sir, I honestly beseech this House and through this House the authorities at the Centre to look to this woeful state of affairs in Assam and come to its aid liberally and timely. They need not give any thing from their own coffers; for, as I have pointed out earlier, two or three months ago, that as much as ten crores of rupees are being derived in various shapes from Assam as revenues of the Central Government. So, if one-fourth or one-third of this sum is given to Assam, it would not be a gift or any special concession, but only rendering unto Caesar what belongs to Caesar.

The working of the Constitution alone will show whether it is a workable Constitution or whether it is unsuited to the necessities of the times and the requirements of our people or to the genius of our nation, but if we work it in the spirit of the Preamble, we must say that we have a Constitution which can be made an ideal Constitution by working it in the proper spirit.

Saiyid Muhammed Saadulla

Sir, within the province of Assam, there is the District of Khasi and Jaintia Hills. The capital of Assam is located there. Most honourable Members will be surprised to know that the border of Pakistan is only 50 miles from the town of Shillong. The people on the southern slope of the Khasi Hills used to get their foodgrains and means of livelihood from the district of Sylhet which now forms part of eastern Pakistan. On account of customs barriers between India and Pakistan, the free flow of trade has ceased and no wonder my Friend Rev. Nichols-Roy was accusing Pakistan for this state of affairs. But Sir, my idea is simply to point out to you that unless foodgrains can be made available in sufficient quantities in that area, as also in other areas of the District those people may ultimately look up to Pakistan as

their saviours. But the pity of Assam is that in spite of the fact that it is a surplus province so far as foodgrains are concerned, and though during the three years of my tenure as Prime Minister from 1943—46 Assam could declare a surplus of two hundred thousand tons of rice and had actually supplied to the Central Government that surplus as will be borne out by the records in New Delhi, we supplied on an average fifty lakhs maunds of rice, annually. Assam has become a deficit area and you will be surprised to hear that in the town of Shillong where rice is rationed my own household, the household of an ex-Premier and leader of the Opposition and a man who has been there from 1924, had to go without rice for three days recently.

Sir, the Khasi Hills have been relegated to the Sixth Schedule for which Rev. Nichols-Roy is very thankful, but there is a constitutional anomaly. Although the Constituent Assembly is not to find a remedy for that, yet I must sound a note of warning that this small district of Khasi hills embraced 25 Native States most of which had treaty rights with the Suzerain power in Delhi. They were asked to join the Indian Dominion in 1947. Instruments of Accession accompanied by an agreement were executed by these Chiefs and they were accepted by the Central Government. But, though even this area has been included in the Sixth Schedule, up till now no agreement or settlement has been arrived at between the Constituent Assembly of the Federation of the Khasi States and the Assam Government or the Government of India. I do not know what will happen to these areas or people after 26th January 1950. A deputation headed by the President of the Federation of Khasi States came early this month to Delhi to press their grievances before the States Ministry as well as the Drafting Committee. The Drafting Committee met them and they had two simple requests to make. They are the most democratic of all democratic people. Their native chiefs are elected by all the people in their territory by adult franchise. The chiefs could be removed as well by the people. They want that that system should continue. The second thing which is in the heart of all people in that part of the world is that these chiefs are only territorial chiefs. They have no right over the land. The land belongs to the people. This ancient sacred right of ownership of land in the territories of their chiefs they want to preserve, but they are afraid that section 3 of the Sixth Schedule gives a loophole for doing away with that right. They want a simple provision that these two rights may not be disturbed by the District Autonomous Councils.

Some may say that the District Autonomous Councils will consist of their own representatives, but membership is limited to twenty-four and three-fourths of it only is to be elected and the rest one-fourth has been left in the air. I do not know whether these seats will be filled up and by what process, whether by nomination and if by nomination by whom, or by any other form of indirect election. I know that these Khasi people are late in the day and nothing can be done at the third reading but I request those honourable Members who will continue to be Members of the Constituent

Assembly even after the 26th January 1950 to see that this wrong of the Khasi people is righted in no time, for the contentment and peace of this area will greatly conduce to the safety and preservation of the boundaries of the Indian Dominion.

Sir, after two centuries of subjugation and humiliation, we have drafted our own Constitution. The very idea of it is thrilling to my mind; that very thought sends our hearts bumping and racing, but yet we cannot say with our hands on our hearts that we feel jubilation and joy over the present Draft Constitution to that extent. This Constitution which will be passed and come into law with in a couple of months is a compromise Constitution. Many honourable Members have said that this is but a transitory Constitution. I do hope. Sir, that future legislators will try to make it as perfect as possible. The test of the pudding is in the eating. Similarly nobody can say that this Constitution is to be commended or condemned. The working of the Constitution alone will show whether it is a workable Constitution or whether it is unsuited to the necessities of the times and the requirements of our people or to the genius of our nation, but if we work it in the spirit of the Preamble, we must say that we have a Constitution which can be made an ideal Constitution by working it in the proper spirit.

In the end, Sir, I would like to invoke the blessings of the Maker of the Universe and I will recite only two invocations in Sanskrit.

asato ma sadgamaya
tamaso ma Jyotirgamaya

In the Arabic we have a saying

As sayyo minni, al itmanco minul Allah

The endeavour is man's, but the ultimate result is in the hands of God or Allah. Let us all in all humility try to work this Constitution which has been drafted by people who gave their best to it, and if we work it in the spirit of the Preamble, *i.e.*, try to do justice to all, and try to work it in the spirit of equality and fraternity, we can turn even this dreary Constitution into a garden of paradise.

SHRI ALLADI KRISHNASWAMI AYYAR – IMPORTANT CHARACTERISTICS OF THE CONSTITUTION

23 NOVEMBER 1949

> In spite of the ignorance and illiteracy of the large mass of the Indian people, the Assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the well-being, the standard of life, the comfort and the decent living of the common man.

Sir, in supporting the motion of the Honourable Dr. Ambedkar for the adoption of the Constitution, I crave the indulgence of the House for a short while. This Constitution has been settled by the Constituent Assembly in the light of the recommendations of the various committees appointed by this House and the draft as originally submitted by the Drafting Committee and as revised later. In the course of my remarks, I should like to draw the attention of the House to what I consider to be the salient features of the Constitution bearing in mind the criticisms directed against the Constitution by some of the members. The Constitution as it has finally emerged, I submit, truly reflects the spirit of the Objectives Resolution with which this Assembly started it's work and the Preamble of the Constitution which is mainly founded on the Objectives Resolution.

Firstly in spite of the ignorance and illiteracy of the large mass of the Indian people, the Assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the well-being, the standard of life, the comfort and the decent living of the common man. The principle of adult suffrage was adopted in no lighthearted mood but with the full realisation of its implications. If democracy is to be broad based and the system of government that is to function is to have the ultimate sanction of the people as a whole, in a country where the large mass of the people are illiterate and the people owning property are so few, the introduction of any property or educational qualifications for the exercise of the franchise would be a negation of the principles of democracy. If any such qualifications were introduced, that would have disfranchised a large number of the labouring classes and a

large number of women-folk. It cannot after all be assumed that a person with a poor elementary education and with a knowledge of the three Rs. is in a better position to exercise the franchise than a labourer, a cultivator or a tenant who may be expected to know what his interests are and to choose his representatives. Possibly a large scale universal suffrage may also have the effect of rooting out corruption what may turn out incidental to democratic election. This Assembly deserves to be congratulated on adopting the principle of adult suffrage and it may be stated that never before in the history of the world has such an experiment been so boldly undertaken. The only alternative to adult suffrage was some kind of indirect election based upon village community or local bodies and by constituting them into electoral colleges, the electoral colleges being elected on the basis of adult suffrage. That was not found feasible.

A brief survey of the Draft Constitution must convince the Members that it is based upon sound principles of democratic government and contains within itself elements necessary for growth and expansion and is in line with the most advanced democratic Constitution of the World. It is well to remember that a Constitution is after all what we make of it.

Alladi Krishnaswami Ayyar

Realising in full that the communal electorate and democracy cannot co-exist and that communal electorate was a device adopted by the British Imperialists to prevent the free growth of democracy on a healthy and sound basis this Assembly under the able leadership of our Prime Minister and Sardar Patel, has done away with communal electorates while making some special provisions to Scheduled Castes and Scheduled Tribes on the basis of joint electorates for a temporary period. As Sardarji has rightly pointed out in his memorable speech on the occasion, we have to demonstrate to the world, to the class of people who have flourished and who have been nurtured on communal claims, our genuine faith in the fundamental principles of democracy and in the establishment of a secular state without distinction of caste, creed or class.

Closely allied with the principles underlying the articles of the Constitution dispensing with communal electorates are the provisions in the Chapter on fundamental rights that every citizen shall have equality of opportunity in matters relating to employment or appointment to any office under the State, that no citizen shall on grounds of religion, race, caste, sex, descent, place or birth etc. be ineligible for or discriminated against in respect of any employment or office under the State. I am leaving them out of account the special provisions in favour of backward classes of citizens. In this connection it may be interesting to note that there is no such declaration in similar terms even in the Constitution of the U.S.A. The Fourteenth Amendment in the United States Constitution which was intended to remove the disability of the Negroes, has not, as experience has shown, served the purpose in the United States and the Fifteenth amendment deals only with the right to vote. Therefore, we may well claim that our Constitution is much more, democratic, much more rooted in the principles and democracy than even the advanced constitution of America. The abolition of untouchability is another notable step taken by this Assembly.

The liquidation of a large number of Indian States scattered like islands over the length and breadth of this land, their merger with the neighbouring provinces, has been effected under the able leadership of Sardar Patel. In the result the States have been considerably reduced in number and either as individual States or as comprising groups of States they have been brought into the orbit of the Indian Union. Their Constitutions have been brought into line with the Constitutions of States in Part I and they have become units of the Indian Union on the same terms as the States in Part I so that we are in a position to say that all the units of the Union occupy the same position in regard to it excepting for certain specific transitional provisions. The Constitution does not permit the States which have acceded to the Union to secede from it. Their association with the Union is inseparable and they have become an integral part of the Indian Union. There is no going back. The magnitude of this achievement cannot be overestimated when we remember that the existence of a large number of such States has been put forward always as an excuse by the British Imperialists for the withholding of freedom from India. The Act of 1935 far from abolishing this distinction served to perpetuate the distinction.

After weighing the pros and cons of the Presidential system as obtaining in America and the Cabinet system of Government obtaining in England and the Dominions, taking into account also the working of responsible Government in the Indian Provinces for some years and the difficulty of providing for a purely presidential type of Government in the States in Part II, (now part 1B) this Assembly has deliberately adopted the principle of responsible Government both in the States and in the Centre. At the same time the Assembly was quite alive to the fact that a good number of States in Part 1B were unaccustomed to any democratic or responsible Government

and with a view to ensure its success and efficient working in the early stages the Union Government is entrusted with the power of intervention while there is a failure or deadlock in the working of democratic machinery.

My honourable Friend Prof. K. T. Shah in expatiating upon the merits of the Constitutional system based upon the principle of separation, did not fully realize the inevitable conflict and deadlock which such a system might result in a country circumstanced as India is. The breakdown provisions in the Constitution are not intended in any way to hamper the free, working of democratic institutions or responsible Government in the different units, but only to ensure the smooth working of the Government when actual difficulties arise in the working of the Constitution. There is no analogy between the authority exercised by the Governor or the Governor-General under the authority of the British Parliament in the Constitution of 1935 and the power vested in the Central Government under the new Constitution. The Central Government in India in future will be responsible to the Indian Parliament in which are represented the people of the different units elected on adult franchise and are responsible to Parliament for any act of theirs. In one sense the breakdown provision is merely the assumption of responsibility by the Parliament at Delhi when there is an impasse or breakdown in the administration in the Units.

In regard to citizenship, the Constitution deliberately adopts the principle of single citizenship for the whole of India and departs from a dual citizenship, a common feature of many Federations. In this respect the Indian Constitution is in advance of some of the Federal Constitutions. It is hoped that that will lead to the consolidation of the Indian Union. The Constitution does not purport to enact a detailed law as to citizenship, but leaves it for the future Parliament of India to frame such a law.

The Constitution has accorded the proper place to the Judiciary as it should in a written and especially in a Federal Constitution. In the language of the Federalist, in America the complete independence of the court of Justice is particularly essential to the proper working of a Federal Constitution. The limitation on the different organs of State can be preserved in no other way than through the medium of courts and according to President Wilson, the courts are the balance-wheel of the Constitution. The Supreme Court in India under the Indian Constitution, as this House is aware, has wider powers than the highest courts in any other known Federation including that of the U.S.A. where the Supreme Court is not a general court of appeal. The Supreme Court is a court of appeal in all civil cases from every High Court including the High Courts in the States in Part 1B. It is the ultimate arbiter in all matters involving the interpretation of the Constitution. It has a very wide revisory jurisdiction over all tribunals even if they be not courts in the strict sense of the term. Unlike the United States Supreme Court, it has an advisory jurisdiction similar to that exercised

by the Supreme Court of Canada under the Canadian Supreme Court Act. It has original jurisdiction to issue prerogative writs throughout the length and breadth of India. It is an interstatal court competent to decide questions *inter se* as between States. Even in regard to criminal matters, the Supreme Court is in a position to grant special leave and can also exercise criminal appellate jurisdiction in certain specific classes of cases. The criticism, if at all, can only be, not that the powers of the Supreme Court are, not wide enough, but that they are too wide.

The provisions relating to the High Courts are in the main modelled on the existing provisions except for the fact that certain inhibitions on the jurisdiction have been removed. They have hence forward jurisdiction to issue prerogative writs throughout the areas subject to their appellate jurisdiction. The anomaly of the High Courts not having any jurisdiction in matters relating to revenue has also been removed, and the powers of superintendence over subordinate courts and tribunals have been restored. Care has been taken to see that in the matter of selection to the highest court, the President has the benefit of the advice of those most competent to advise him on the subject. With a view to keep the High Courts outside the range of provincial politics, the High Courts have in important respects been brought under the jurisdiction of the National Government. While there can be no two opinions on the need for the maintenance of judicial independence, both for safeguarding of individual liberty and the proper working of the Constitution, it is also necessary to keep in view one important principle. The doctrine of independence is not to be raised to the level of a dogma so as to enable the judiciary to function as a kind of super legislature or super-executive. The judiciary is there to interpret the Constitution or adjudicate upon the rights between the parties concerned. As has been pointed out recently in a leading decision of the Supreme Court, the Judiciary as much as the Congress and the Executive, are depending for its efficient and proper functioning, upon the co-operation of the other two.

The criticism in regard to Fundamental Rights has been that the exceptions strike at the very foundation of the rights. This criticism is entirely without foundation. The exceptions and qualifications introduced into the articles reproduce in statutory form the well-recognised exceptions and limitations on the Fundamental Rights dealt with in the article. Similar restrictions have been read by the Supreme Court into the United States Constitution which in general terms provides for these rights. Our Constitution instead of leaving it to the Courts to read the necessary limitations and exceptions, seeks to express in a compendious form the limitations and exceptions. It is common knowledge that freedom of speech and of the Press has been interpreted by the Supreme Court of the United States as not to prevent legislation prohibiting intimidation by speech or writing or preventing the publication of indecent matter, or prevent the enactment

of laws in the exercise of the police power of the State if the State can find a sufficient social interest for so doing. Similarly, religious liberty has been held not to protect the citizen against unsocial acts. The privilege of Assembly and public meeting does not stand in the way of the United States or the individual States exercising social control of assemblage of people in the interests of the common good. In the final form in which the article has emerged, this Assembly kept in view the need for drawing a line between personal liberty and the need for social control. While not departing from the principle that a person is not to be deprived of his property without compensation, the Constitution has invested the Parliament with the power to formulate the principles in regard to compensation with due regard to the nature, history and incidents of the property concerned. Being fully alive to the need for urgent agrarian reform affecting large a large mass of tenantary, this Assembly, after due deliberation, has inserted certain special provisions to prevent the legality of the measures undertaken being questioned from court to court while at the same time providing the necessary safeguards for protecting the interests of the parties affected.

In the Chapter on Fundamental Rights, there is one other matter which requires more than a passing notice. Clause (4) of article 22 has been animadverted upon as if it were a Charter to the Executive to detain a Person for three months. There is no such thing. The whole of article 22 is designed to secure against any abuse of the provisions of article 21 which says in general terms that "No person shall be deprived of his life or personal liberty except according to procedure established by law." If article 21 stood by itself, it may authorise an indefinite detention if only it conforms to the procedure established by law. Article 22 has been put in to prevent any such indefinite detention. The Constituent Assembly which was quite alive to the dangers confronting the new State could not rule out detention altogether.

The Directive principles of State policy, I should think, are also an important feature of the Constitution. Having regard to the wide nature of the subjects dealt with in these articles and the obvious difficulty in making the subjects dealt with by these articles justiciable, they have been classed as directive principles of State policy. The principles of Social policy have their basis in the preamble to the Constitution and the Objectives Resolution. Article 37 in express terms lays down that the principles laid down therein are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. No ministry responsible to the people can afford lightheartedly to ignore the provisions in Part IV of the Constitution.

In regard to the distribution and allocation of legislative power, this Assembly has taken into account the political and economic conditions obtaining in the country at present and has not proceeded on any *a priori*

theories as to the principles of distribution in the constitution of a Federal Government. In regard to distribution, the Centre is invested with residuary power, specific subject of national and all-India importance being expressly mentioned. A large list of subjects has been included in the Concurrent List to enable the Centre to intervene wherever there is necessity to intervene and override State legislation, though normally when the coast is clear, it would be open to the State legislatures to legislate. The existence of a large list of Concurrent subjects is calculated to promote harmony between the Centre and the units, and avoid the necessity of the courts having to resolve the conflict if there is to be only a two fold division of subjects. In order to meet unforeseen national emergencies and economic situations, special provisions have been inserted providing for Central intervention. In this connection, it has to be remembered that the whole concept of federalism in the modern world is undergoing a transformation. As a result of the impact of social and economic forces, rapid means of communication and the necessarily close relation between the different units in matters of trade and industry, federal ideas themselves are undergoing a transformation in the modern world. The Rowell Scrore Commission in Canada and the Royal Commission appointed to report on the working of the Australian Constitution suggested various remedies to get over the difficulties in the working of a federal Government. The problem is one to be faced by each country according to the peculiar conditions obtaining there, according to the particular exigencies of the particular country, not according to *a priori* or theoretical considerations.

In dealing with a matter like this, we cannot proceed on the footing that federalism must necessarily be of a defined or a standard type. Even in regard to the Constitution of Canada, two such authorities as Lord Haldane and Lord Watson were sharply divided the former holding that the Constitution is not federal and the latter expressly laying down the Opposite view. The crucial question to consider, shorn of all theories, is, "Are the National and the State Governments related to an another as Principal and Delegate ?" So long as they can exercise full authority within the orbit of their established jurisdiction, there is no reason to deny the federal character to the Constitution.

I do not subscribe to the view that the Centre has been made to strong at the expense of the Union. In the legislative sphere there has not been much change in the list of subjects allotted to the units. The units have unrestricted executive power in the provincial field. Even in regard to the Concurrent subjects, the executive power continues to be vested in the units though there is a power of central intervention when the exigencies of the State, demand it. The emergency powers vested in the Union cannot by their very nature be of normal or ordinary occurrence.

In regard to the taxing power while the final allocation is open to further examination as the result of the report of the Statutory Commission

to be appointed under the terms of the Constitution, the articles in the Constitution relating to the taxing power take into account the general economic condition and financial position of the different units and the tendency prevailing in most modem Federations of the Central Government acting as the sole taxing agency in the interest of the country while provision is made for the division or the distribution of the proceeds to the different units, as also for the grant of subsidies.

The Constituent Assembly has spent considerable time and attention over the subject of inter-State trade relations. The Assembly while adhering to the principle that freedom of trade between the different units is indispensable to the proper functioning of the Union, has made the inter-State relations much more elastic and flexible in our Constitution than in some of the known Federal Constitutions, to suit the exigencies and economic conditions of a vast continent like India.

The Constituent Assembly being thoroughly alive to the importance of a State language for the whole of India with a view to consolidate and unify the nation and recognizing the importance of regional languages in so vast a country, has evolved a plan for Hindi becoming the State language of India as early as possible. At the same time the Constitution has not lost sight of the need of English for legal purpose for some time and for scientific and international purposes in the world as constituted today.

The criticism that the Constitution as it has emerged is far too detailed and elaborate does not merit serious consideration. If as in other Constitutions the constitution and powers of the High Court and of the Supreme Court have been left for normal ordinary parliamentary legislation, if the provisions, for electoral machinery are dropped out, if the guarantees provided in the matter of salaries to judges and civil services were omitted, if the existing administrative machinery which has been working is ignored, if no special provision is to be made for Scheduled Areas and Scheduled Tribes, there would be absolutely no difficulty in cutting down the provisions of the Constitution and reducing the number of articles. But for the smooth and efficient working of a democratic machinery, it was felt that unless these provisions were contained in the Constitution itself, an infant democracy might find itself in difficulties and the smooth and efficient working of the Constitution might be jeopardised. There has been insistence on the part of various interests that sufficient safeguards must be inserted in the Constitution itself and even some of the members of this Assembly who, as a matter of abstract principle, are willing to subscribe to the principle of a few main provisions alone being inserted in the Constitution, not a little contributed to the detailed provisions.

In the course of the discussion during the Third Reading, there has been some reference to the subject of India's position as a member of the

Commonwealth. On this subject I have already stated my views when the matter came up for discussion before this Assembly. It is unnecessary to remind the House that there is no article in the Constitution referring to this matter. The membership of the Commonwealth depends on the willing co-operation and consent of the two countries, independent in every respect of each other.

Mr. President, I have omitted one point while I was on the subject of Fundamental Rights and I should like to refer to it. While religious freedom is guaranteed to every individual and every religious persuasion, the State does not identify or ally itself with any particular religion or religious belief. There is no such thing as State Religion in India.

Altogether it may be claimed that the Constitution gives sufficient scope for the achievement by the Indian Republic of all those great objects which are, contained in the Preamble to the Constitution. The Constitution contains within itself the necessary elements of growth, flexibility and expansion. While it is not committed to any particular economic reorganisation of society, the people are free to adjust and mould the economic conditions for their betterment in any manner they choose. To a large extent any Constitution depends—upon the people who work it. It is the human element that after all is the most important in the working of any Institution. It is common knowledge that when the final Constitution of America was adopted there was very little enthusiasm for it and several communications had to be addressed in the 'Federalist' to commend the Constitution to the American people. And yet at the present day the Constitution is looked upon with the same spirit and reverence as the Ark of the Covenant in the Bible. Similar is the experience in Canada and in Australia. The experience of other countries has shown that Constitutions which have been hailed with universal acclamation have proved utter failures. Our Constitution is much more flexible than many written and Federal Constitutions. An easy and flexible method of amendment has been provided for. But that does not mean that amendment must be undertaken light heartedly. The people will then have no other work to do but mending and amending, the Constitution.

Before I conclude, I would be failing in my duty if I do not express my high appreciation of the skill and ability with which my friend the Honourable Dr. Ambedkar has piloted this Constitution and his untiring work as the Chairman of the Drafting Committee. Latterly I know he was ably assisted by my friend Mr. T. T. Krishnamachari. I would also be failing in my duty if I do not give my tributes to the services of Sir B. N. Rau and to the untiring energy, patience, ability and industry of the Joint Secretary, Mr. Mukherjee and his lieutenants.

In the end, you will pardon me, Sir, if I make some reference to your work in this Assembly as it may savour of flattery. You have given your

whole life to the service of this country and this is the crowning act. There is none who is held in greater esteem and in love than yourself and you have showed yourself to be the worthy President of this Assembly. I am particularly grateful to you because on account of my state of health you have been pleased to permit me to address from my seat and I am also thankful to the Members of this House for the indulgence they have extended to me in that respect. It is some consolation to me that I might have been of some little use in the work of the various committees and in the work of this Assembly.

DR. B.R. AMBEDKAR –REPLY TO THE DEBATE

25 NOVEMBER 1949

It is not that India did not know what is Democracy. There was a time when India was studded with republics, and even where there were monarchies, they were either elected or limited. They were never absolute. It is not that India did not know Parliaments or Parliamentary Procedure. A study of the Buddhist Bhikshu Sanghas discloses that not only there were Parliaments—for the Sanghas were nothing but Parliaments—but the Sanghas knew and observed all the rules of Parliamentary Procedure known to modern times.

Sir, looking back on the work of the Constituent Assembly it will now be two years, eleven months and seventeen days since it first met on the 9th of December 1946. During this period the Constituent Assembly has altogther held eleven sessions. Out of these eleven sessions the first six were spent in passing the Objectives Resolution and the consideration of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Powers, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The seventh, eighth, ninth, tenth and the eleventh sessions were devoted to the consideration of the Draft Constitution. These eleven sessions of the Constituent Assembly have consumed 165 days. Out of these, the Assembly spent 114 days for the consideration of the Draft Constitution.

Coming to the Drafting Committee, it was elected by the Constituent Assembly on 29th August 1947. It held its first meeting on 30th August. Since August 30th it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution, as prepared by the Constitutional Adviser as a text for the Drafting Committee to work upon, consisted of 243 articles and 13 Schedules. The first Draft Constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 Schedules. At the end of the consideration stage, the number of articles in the Draft Constitution increased to 386. In its final form, the Draft Constitution contains 395 articles and 8 Schedules. The total number of amendments to the Draft Constitution tabled was approximately 7,635. Of them, the total number of amendments actually moved in the House were 2,473.

I mention these facts because at one stage it was being said that the Assembly had taken too long a time to finish its work, that it was going on

leisurely and wasting public money. It was said to be a case of Nero fiddling while Rome was burning. Is there any justification for this complaint? Let us note the time consumed by Constituent Assemblies in other countries appointed for framing their Constitutions. To take a few illustrations, the American Convention met on May 25th, 1787 and completed its work on September 17, 1787 *i.e.* within four months. The Constitutional Convention of Canada met on the 10th October 1864 and the Constitution was passed into law in March 1867 involving a period of two years and five months. The Australian Constitutional Convention assembled in March 1891 and the Constitution became law on the 9th July 1900, consuming a period of nine years. The South African Convention met in October 1908 and the Constitution became law on the 20th September 1909 involving one years labour. It is true that we have taken more time than what the American or South African Conventions did. But we have not taken more time than the Canadian Convention and much less than the Australian Convention. In making comparisons on the basis of time consumed, two things must be remembered. One is that the Constitutions of America, Canada, South Africa and Australia are much smaller than ours. Our Constitution as I said contains 395 articles while the American has just seven articles, the first four of which are divided into sections which total up to 21, the Canadian has 147, Australian 128 and South African 153 sections. The second thing to be remembered is that the makers of the Constitutions of America, Canada, Australia and South Africa did not have to face the problem of amendments. They were passed as moved. On the other hand, this Constituent Assembly had to deal with as many as 2,473 amendments. Having regard to these facts the charge of dilatoriness seems to me quite unfounded and this Assembly may well congratulate itself for having accomplished so formidable a task in so short a time.

Turning to the quality of the work done by the Drafting Committee, Mr. Naziruddin Ahmed felt it his duty to condemn it outright. In his opinion, the work done by the Drafting Committee is not only not worthy of commendation, but is positively below par. Everybody has a right to have his opinion about the work done by the Drafting Committee and Mr. Naziruddin is welcome to have his own. Mr. Naziruddin Ahmed thinks he is a man of greater talents than any member of the Drafting Committee. The Drafting Committee does not wish to challenge his claim. On the other hand, the Drafting Committee would have welcomed him in their midst if the Assembly had thought him worthy of being appointed to it. If he had no place in the making of the Constitution it is certainly not the fault of the Drafting Committee.

Mr. Naziruddin Ahmed has coined a new name for the Drafting Committee evidently to show his contempt for it. He calls it a Drifting Committee. Mr. Naziruddin must no doubt be pleased with his hit. But he evidently does not know that there is a difference between drift without mastery and drift

with mastery. If the Drafting Committee was drifting, it was never without mastery over the situation. It was not merely angling with the off chance of catching a fish. It was searching in known waters to find the fish it was after. To be in search of something better is not the same as drifting. Although Mr. Nazimuddin Ahmed did not mean it as a compliment to the Drafting Committee, I take it as a compliment to the Drafting Committee. The Drafting Committee would have been guilty of gross dereliction of duty and of a false sense of dignity if had not shown the honesty and the courage to withdraw the amendments which it thought faulty and substitute what it thought was better. If it is a mistake, I am glad the Drafting Committee did not fight shy of admitting such mistakes and coming forward to correct them.

The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of those organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics.

Dr. B.R. Ambedkar

I am glad to find that with the exception of a solitary member, there is a general consensus of appreciation from the members of the Constituent Assembly of the work done by the Drafting Committee. I am sure the Drafting Committee feels happy to find this spontaneous recognition of its labours expressed in such generous terms. As to the compliments that have been showered upon me both by the members of the Assembly as well as by my colleagues of the Drafting Committee I feel so overwhelmed that I cannot find adequate words to express fully my gratitude to them. I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the Scheduled Castes. I had not the remotest idea that I would be called upon to undertake more responsible functions. I was therefore greatly surprised when the Assembly elected me to the Drafting

Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman. There were in the Drafting Committee men bigger, better and more competent than myself such as my friend Sir Alladi Krishnaswami Ayyar. I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their instrument and given me this opportunity of serving the country.

The credit that is given to me does not really belong to me. It belongs partly to Sir B.N. Rau, the Constitutional Adviser to the Constituent Assembly who prepared a rough draft of the Constitution for the consideration of the Drafting Committee. A part of the credit must go to the members of the Drafting Committee who, as I have said, have sat for 141 days and without whose ingenuity to devise new formulae and capacity to tolerate and to accommodate different points of view, the task of framing the Constitution could not have come to so successful a conclusion. Much greater share of the credit must go to Mr. S.N. Mukherjee, the Chief Draftsman of the Constitution. His ability to put the most intricate proposals in the simplest and clearest legal form can rarely be equalled, nor his capacity for hard work. He has been an acquisition to the Assembly. Without his help, this Assembly would have taken many more years to finalise the Constitution. I must not omit to mention the members of the staff working under Mr. Mukherjee. For, I know how hard they worked and how long they have toiled sometimes even beyond midnight. I want to thank them all for their effort and their co-operation.

The task of the Drafting Committee would have been a very difficult one if this Constituent Assembly has been merely a motely crowd, a tasseleted pavement without cement, a black stone here and a white stone there in which each member or each group was a law unto itself. There would have been nothing but chaos. This possibility of chaos was reduced to nil by the existence of the Congress Party inside the Assembly which brought into its proceedings a sense of order and discipline. It is because of the discipline of the Congress Party that the Drafting Committee was able to pilot the Constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment. The Congress Party is, therefore, entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly.

The proceedings of this Constituent Assembly would have been very dull if all members had yielded to the rule of party discipline. Party discipline, in all its rigidity, would have converted this Assembly into a gathering of 'yes' men. Fortunately, there were rebels. They were Mr. Kamath, Dr. P.S. Deshmukh, Mr. Sidhva, Prof. Sexena and Pandit Thakur Das Bhargava. Alongwith them I must mention Prof. K.T. Shah and Pandit Hirday Nath Kunzru. The points they raised were mostly ideological. That I was not prepared to accept their suggestions, does not diminish the value of their

suggestions, nor lessen the service they have rendered to the Assembly in enlivening its proceedings. I am grateful to them. But for them, I would not have had the opportunity which I got for expounding the principles underlying the Constitution which was more important than the mere mechanical work of passing the Constitution.

Finally, I must thank you Mr. President for the way in which you have conducted the proceedings of this Assembly. The courtesy and the consideration which you have shown to the Members of the Assembly can never be forgotten by those who have taken part in the proceedings of this Assembly. There were occasions when the amendments of the Drafting Committee were sought to be barred on grounds purely technical in their nature. Those were very anxious moments for me. I am, therefore, specially grateful to you for not permitting legalism to defeat the work of Constitution making.

As much defence as could be offered to the Constitution has been offered by my friends Sir Alladi Krishnaswami Ayyar and Mr. T.T. Krishnamachari. I shall not therefore enter into the merits of the Constitution. Because I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However, bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of those organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their parties will behave? Will they uphold constitutional methods of achieving their purposes or will they prefer revolutionary methods of achieving them? If they adopt the revolutionary methods, however good the Constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgement upon the Constitution without reference to the part which the people and their parties are likely to play.

The condemnation of the Constitution largely comes from two quarters, the Communist Party and the Socialist Party. Why do they condemn the Constitution? Is it because it is really a bad Constitution? I venture to say 'no'. The Communist Party wants a Constitution based upon the principle of the Dictatorship of the Proletariat. They condemn the Constitution because it is based upon parliamentary democracy. The Socialists want two things. The first thing they want is that if they come in power, the Constitution must give them the freedom to nationalize or socialize all private property without payment of compensation. The second thing that the Socialists want is that the Fundamental Rights mentioned in the Constitution must be absolute and without any limitations so that if their Party fails to come into

power, they would have the unfettered freedom not merely to criticize, but also to overthrow the State.

These are the main grounds on which the Constitution is being condemned. I do not say that the principle of parliamentary democracy is the only ideal form of political democracy. I do not say that the principle of no acquisition of private property without compensation is so sacrosanct that there can be no departure from it. I do not say that Fundamental Rights can never be absolute and the limitations set upon them can never be lifted. What I do say is that the principles embodied in the Constitution are the views of the present generation or if you think this to be an over-statement, I say they are the views of the members of the Constituent Assembly. Why blame the Drafting Committee for embodying them in the Constitution? I say why blame even the Members of the Constituent Assembly? Jefferson, the great American statesman who played so great a part in the making of the American Constitution, has expressed some very weighty views which makers of Constitution, can never afford to ignore. In one place, he has said:—

> "We may consider each generation as a distinct nation, with a right, by the will of the majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country."

In another place, he has said:

> "The idea that institutions established for the use of the nation cannot be touched or modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in the trust for the public, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself. Yet our lawyers and priests generally inculcate this doctrine, and suppose that preceding generations held the earth more freely than we do; had a right to impose laws on us, unalterable by ourselves, and that we, in the like manner, can make laws and impose burdens on future generations, which they will have no right to alter; in fine, that the earth belongs to the dead and not the living."

I admit that what Jefferson has said is not merely true, but is absolutely true. There can be no question about it. Had the Constituent Assembly departed from this principle laid down by Jefferson it would certainly be liabe to blame, even to condemnation. But I ask, has it? Quite the contrary. One has only to examine the provision relating to the amendment of the Constitution. The Assembly has not only refrained from putting a seal of finality and infallibility upon this Constitution by denying to the people the right to amend the Constitution as in Canada or by making the amendment of the Constitution subject to the fulfilment of extraordinary terms and conditions as in America or Australia, but has provided a most facile

procedure for amending the Constitution. I challenge any of the critics of the Constitution to prove that any Constituent Assembly anywhere in the world has, in the circumstances in which this country finds itself, provided such a facile procedure for the amendment of the Constitution. If those who are dissatisfied with the Constitution have only to obtain a two-third majority and if they cannot obtain even a two-third majority in the Parliament elected on adult franchise in their favour, their dissatisfaction with the Constitution cannot be deemed to be shared by the general public.

There is only one point of Constitutional import to which I propose to make a reference. A serious complaint is made on the ground that there is too much of centralization and that the States have been reduced to Municipalities. It is clear that this view is not only an exaggeration, but is also founded on a misunderstanding of what exactly the Constitution contrives to do. As to the relation between the Centre and the States, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of Federalism is that the Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself. This is what Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter. It is difficult to see how such a Constitution can be called centralism. It may be that the Constitution assigns to the Centre too large field for the operation of its legislative and executive authority than is to be found in any other Federal Constitution. It may be that the residuary powers are given to the Centre and not to the States. But these features do not form the essence of federalism. The Chief mark of federalism as I said lies in the partition of the legislative and executive authority between the Centre and the Units by the Constitution. This is the principle embodied in our Constitution. There can be no mistake about it. It is, therefore, wrong to say that the States have been placed under the Centre. Centre cannot by its own will alter the boundary of that partition. Nor can the judiciary. For as has been well said:

> "Courts may modify, they cannot replace. They can revise earlier interpretation as new arguments, new points of view are presented, they can shift the dividing line in marginal cases, but there are barriers they cannot pass, definite assignments of power they cannot reallocate. They can give a broadening construction of existing powers, but they cannot assign to one authority powers explicity granted to another."

The first charge of centralisation defeating federalism must therefore fall.

The second charge is that the Centre has been given the power to override the States. This charge must be admitted. But before condemning

the Constitution for containing such overriding powers, certain considerations must be borne in mind. The first is that these overriding powers do not form the normal feature of the Constitution. Their use and operation are expressly confined to emergencies only. The second consideration is : Could we avoid giving overriding powers to the Centre when an emergency has arisen? Those who do not admit the justification for such overriding powers to the Centre even in an emergency do not seem to have a clear idea of the problem which lies at the root of the matter. The problem is so clearly set out by a writer in that well-known magazine "The Round Table" in its issue of December 1935 that I offer no apology for quoting the following extract from it. Says the writer:

> "Political systems are a complex of rights and duties resting ultimately on the question, to whom, or to what authority, does the citizen owe allegiance. In normal affairs the question is not present, for the law works smoothly, and a man, goes about his business obeying one authority in this set of matters and another authority in that. But in a moment of crisis, a conflict of claims may arise, and it is then apparent that ultimate allegiance cannot be divided. The issue of allegiance cannot be determined in the last resort by a juristic interpretation of statutes. The law must conform to the facts or so much the worse for the law. When all formalism is stripped away, the bare question is, what authority commands the residual loyalty of the citizen. Is it the Centre or the Constituent State?"

The solution of this problem depends upon one's answer to this question which is the crux of the problem. There can be no doubt that in opinion of the vast majority of the people, the residual loyalty of the citizen in an emergency must be to the Centre and not to the Constituent States. For it is only the Centre which can work for a common end and for the general interests of the country as a whole. Herein lies the justification for giving to the Centre certain overriding powers to be used in an emergency. And after all what is the obligation imposed upon the Constituent States by these emergency powers? No more than this—that in an emergency, they should take into consideration alongside their own local interest, the opinions and interests of the nation as a whole. Only those who have not understood the problem, can complain against it.

Here I could have ended. But my mind is so full of the future of our country that I feel I ought to take this occasion to give expression to some of my reflections thereon. On 26th January 1950, India will be an independent country. What would happen to her independence? Will she maintain her independence or will she lose it again? This is the first thought that comes to my mind. It is not that India was never an independent country. The point is that she once lost the independence she had. Will she lose it a second time? It is this thought which makes me most anxious for the future.

What perturbs me greatly is the fact that not only India has once before lost her independence, but she lost it by the infidelity and treachery of some of her own people. In the invasion of Sind by Mahommed-Bin-Kasim, the military commanders of King Dahar accepted bribes from the agents of Mahommed-Bin-Kasim and refused to fight on the side of their King. It was Jaichand who invited Mahommed Gohri to invade India and fight against Prithvi Raj and promised him the help of himself and the Solanki Kings. When Shivaji was fighting for the liberation of Hindus, the other Maratha noblemen and the Rajput Kings were fighting the battle on the side of Moghul Emperors. When the British were trying to destroy the Sikh Rulers, Gulab Singh, their principal commander sat silent and did not help to save the Sikh Kingdom. In 1857, when a large part of India had declared a war of independence against the British, the Sikhs stood and watched the event as silent spectators.

Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have many political parties with diverse and opposing political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost for ever. This eventuality we must all resolutely guard against. We must be determined to defend our independence with the last drop of our blood.

On the 26th of January 1950, India would be a democratic country in the sense that India from that day would have a government of the people, by the people and for the people. The same thought comes to my mind. What would happen to her democratic Constitution? Will she be able to maintain it or will she lose it again. This is the second thought that comes to my mind and makes me as anxious as the first.

It is not that India did not know what is Democracy. There was a time when India was studded with republics, and even where there were monarchies, they were either elected or limited. They were never absolute. It is not that India did not know Parliaments or Parliamentary Procedure. A study of the Buddhist Bhikshu Sanghas discloses that not only there were Parliaments—for the Sanghas were nothing but Parliaments—but the Sanghas knew and observed all the rules of Parliamentary Procedure known to modern times. They had rules regarding seating arrangements, rules regarding Motions, Resolutions, Quorum, Whip, Counting of Votes, Voting by Ballot, Censure Motion, Regularization, *Res Judicata*, etc. Although these rules of Parliamentary Procedure were applied by the Buddha to the meetings of the Sanghas, he must have borrowed them from the rules of the Political Assemblies functioning in the country in his time.

This democratic system India lost. Will she lose it a second time? I do not know. But it is quite possible in a country like India—where democracy from its long disuse must be regarded as something quite new—there is danger of democracy giving place to dictatorship. It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater.

If we wish to maintain democarcy not merely in form, but also in fact, what must we do? The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us.

The Second thing we must do is to observe the caution which John Stuart Mill has given to all who are interested in the maintenance of democarcy, namely, not "to lay their liberties at the feet of even a great man, or to trust him with powers which enable him to subvert their institutions". There is nothing wrong in being grateful to great men who have rendered life-long services to the country. But there are limits to gratefulness. As has been well said by the Irish Patriot Daniel O'connel, no man can be grateful at the cost of his honour, no women can be grateful at the cost of her cashtity and no nation can be grateful at the cost of its liberty. This caution is far more necessary in the case of India than in the case of any other country. For in India, Bhakti or what may be called the path of devotion or hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world. Bhakti in religion may be a road to the salvation of the soul. But in politics, Bhakti or hero-woship is a sure road to degradation and to eventual dictatorship.

The third thing we must do is not to be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from

liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them. We must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality. On the social plane, we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

The second thing we are wanting in is recognition of the principle of fraternity. What does fraternity mean? Fraternity means a sense of common brotherhood of all Indians—if Indians being one people. It is the principle which gives unity and solidarity to social life. It is a difficult thing to achieve. How difficult it is, can be realized from the story related by James Bryce in this volume on American Commonwealth about the United States of America. The story is—I propose to recount it in the words of Bryce himself—that:—

> "Some years ago the American Protestant Episcopal Churh was occupied at its triennial Convention in revising its liturgy. It was though desirable to introduce among the short sentence prayers a prayer for the whole people, and an eminent New England divine proposed the words 'O Lord, bless our nation'. Accepted one afternoon, on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word 'nation', as importing too definite a recognition of national unity, that it was dropped, and instead there were adopted the words 'O Lord, bless these United States'."

There was so little solidarity in the U.S.A. at the time when this incident occurred that the people of America did not think that they were

a nation. If the people of the United States could not feel that they were a nation, how difficult it is for Indians to think that they are a nation. I remember the days when politically-minded Indians resented the expression "the people of India". They preferred the expression "the Indian nation". I am of opinion that in believing that we are a nation, we are cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realize that we are not as yet a nation in the social and psychological sense of the world, the better for us. For then only we shall realize the necessity of becoming a nation and seriously think of ways and means of realizing the goal. The realization of this goal is going to be very difficult—far more difficult than it has been in the United States. The United States has no caste problem. In India there are castes. The castes are anti-national. In the first place because they bring about separation in social life. They are antinational also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity equality and liberty will be no deeper than coats of paint.

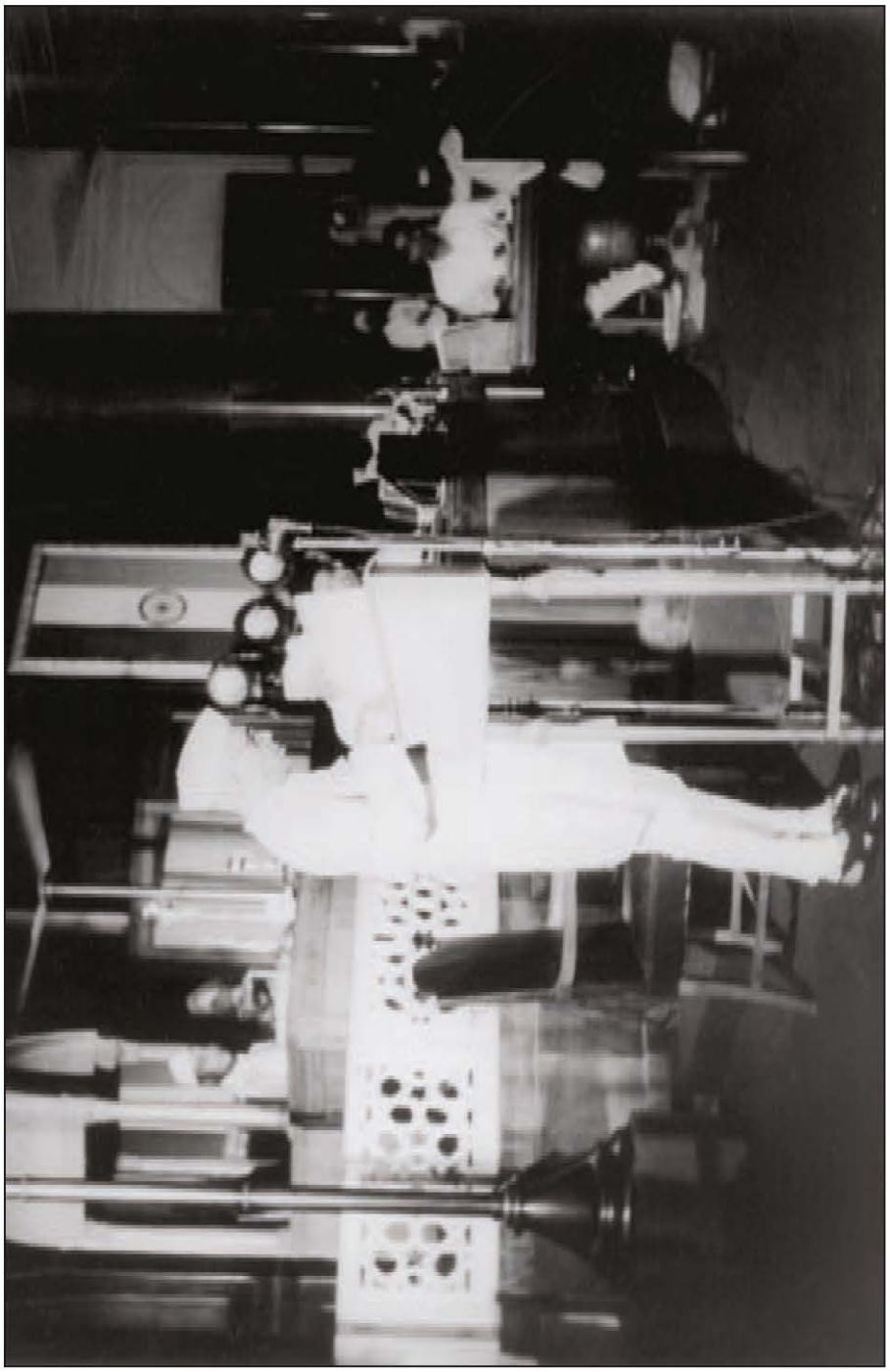
These are my reflections about the tasks that lie ahead of us. They may not be very pleasant to some. But there can be no gainsaying that poitical power in this country has too long been the monopoly of a few and the many are not only beasts of burden, but also beasts of prey. This monopoly has not merely deprived them of their chance of betterment, it has sapped them of what may be called the significance of life. These down-trodden classes are tired of being governed. They are impatient to govern themselves. This urge for self-realization in the down-trodden classes must not be allowed to devolve into a class struggle or class war. It would lead to a division of the House. That would indeed be a day of disaster. For, as has been well said by Abraham Lincoln, a House divided against itself cannot stand very long. Therefore the sooner room is made for the realization of their aspiration, the better for the few, the better for the country, the better for the maintenance for its independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life. That is why I have laid so much stress on them.

I do not wish to weary the House any further. Independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities. By independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of Government by the people. They are prepared to have Government for the people and are indifferent whether it is Government of the people and by the people. If

we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.

Sardar Vallabhbhai Patel, Shri N.V. Gadgil and Shri B.G. Kher
at the Constituent Assembly session of 16 May 1949

Dr. Syama Prasad Mookerjee, Dr. B.R. Ambedkar and Begum Aizaz Rasul
at the Constituent Assembly on 16 May 1949



Pandit Jawaharlal Nehru addressing the Constituent Assembly on 16 May 1949

Pandit Jawaharlal Nehru with Maulana Abul Kalam Azad at the Constituent Assembly session of 16 May 1949

PROCEEDINGS OF THE CONSTITUENT ASSEMBLY ON 26 NOVEMBER 1949

ADOPTION OF THE CONSTITUTION

Saturday, the 26th November 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

ANNOUNCEMENT *RE.* STATES

Mr. President : I understand that Sardar Patel has to make some announcement regarding the position of the States. Before putting the motion formally to vote I would ask him to make the statement.

The Honourable Sardar Vallabhbhai J. Patel (Bombay : General) : Sir, I have a short announcement to make. As honourable Members will recall, in the course of the detailed statement I made before this House on the 12th October on the position of the States under the new Constitution, I appraised honourable Members of the procedure we contemplated regarding the acceptance of the Constitution by the States. I am glad to inform the House that all the nine States specified in Part B of the First Schedule of the Constitution, including the State of Hyderabad, have signified, in the manner indicated in my statement made on October 12th, their acceptance of the Constitution which the House is now going to adopt.

DRAFT CONSTITUTION—(*Contd.*)

Shri B. Das (Orissa : General) : Sir, I would like to know if you are going to make a pronouncement as to whether *Vandemataram* should be the national song and what should be our national anthem.

Mr. President : I am not going to make any announcement now. That matter will be considered later on, if necessary, by the assembly when we meet in January.

I have received two messages from two gentlemen, one of them who was a Member and the other who still continues to be a Member of the Assembly.

The first Message is from His excellency Shri Sri Prakasa:

> "Offer hearty respectful felicitations solemns auspicious occasion putting the Presidential seal confirming nation's self-wrought Charter

of Liberty. Earnestly pray we prove worthy of freedom and loyal to Constitution spontaneously availing ourselves of opportunities afforded for country's devoted service—Sri Prakasa."

The second message is from Dr. Sachchidananda Sinha:

"If permissible kindly convey Assembly my message. Though privileged to inaugurate as First President its proceedings in December 1946 but not to take part in their closing tomorrow, due to continued ill-health. I have, with keenest interest and deepest sympathy followed the work of constitution making and remembering that nothing in this world is or can be perfect or please all and also the patent facts that the area to be covered was tremendous the population multitudinous of hundreds of millions with multiplicity of languages and conflicts of vast and varied interests, it is not at all surprising that there are several problems unsolved. But, to me, it is marvellous that so much unity and integrity should have been evolved in almost all matters reflecting thereby highest credit on the good sense of the Assembly and no less redounding to you as highly tactful President. As the seniormost Member of the Assembly, I invoke Divine Mercy that your labours may be crowned with fullest success and that the ancient historic land of Bharat may again stand forth great and glorious in the scale of Nations—Sachchidananda Sinha."

Shri Algu Rai Shastri (United Provinces : General) : *[Mr. President, before you resume the day's work. I would like to know from you as to when and in which form the Hindi Translation of this Constitution would appear. I had suggested the other day that when we meet before the 26th January, we should give two or three days for general discussion of that translation and authenticate it. Are you going to consider this humble request of mine? You would recollect that you had yourself declared that the Constitution of our Nation would be framed in our own National Language but you have not yet made any definite announcement on this question. I would request that some announcement should be made in this respect. We can sit for two or three days and adopt the Constitution in our National Language. We should pass our Constitution in the language of the country. This language (English) is not the language of the people, it is not the language of the common man. I, therefore, request you in the name of Indian nationalism and in the name of the Indian people to make a definite announcement in this respect.]

Mr. President : *[You would be aware that some articles have been adopted in the Constitution wherein it has been decided which would be the language for official use. Therein, it has also been decided that for the next 15 years all official work at the Centre would be carried in English. And if it is considered necessary and expedient, Hindi may also find some

*[ ]Translation of Hindustani speech.

place therein. At present perhaps it will not be possible to place the Constitution in Hindi before this House and to get it adopted. Besides this, the Constituent Assembly has itself passed a resolution directing me to publish the Hindi translation of the Constitution by the 26th of January. I am making arrangements for that and the translation would be published by the 26th of January.

I would also, as soon as possible get it translated and published in other languages. It is therefore not opportune to get the Constitution prepared in Hindi, discuss it and to adopt it here.]

Shri R.V. Dhulekar (United Provinces : General) : *[Will it be possible to get it signed by us, when the Constituent Assembly adopts it here?]

Mr. President : *[I do not know whether all the members of the Assembly would be prepared to accept the translation. It can be done after full consideration of every word and every phrase. This may perhaps take as much time as had been taken by the English version. So it does not seem to be possible. But the translation will be ready.]

Shri R.V. Dhulekar : *[My request is not that the translation should be adopted by the Assembly on the 26th January, but it should be decided that it would come into force from that day.]

Mr. President : *[That translation will be published on my behalf. The people would judge it for what it is worth.]

Before I formally put the motion which was moved by Dr. Ambedkar, I desire to say a few words.

I desire to congratulate the Assembly on accomplishing a task of such tremendous magnitude. It is not my purpose to appraise the value of the work that the Assembly has done or the merits or demerits of the Constitution which it has framed. I am content to leave that to others and to posterity. I shall attempt only to point out some of its salient features and the method which we have pursued in framing the Constitution.

Before I do that, I would like to mention some facts which will show the tremendousness of the task which we undertook some three years ago. If you consider the population with which the Assembly has had to deal, you will find that it is more than the population of the whole of Europe minus Russia, being 319 million as against 317 million. The countries of Europe have never been able to join together or coalesce even in a Confederacy, much less under one unitary Government. Here, in spite of the size of the population and the country, we have succeeded in framing a Constitution which covers the whole of it. Apart from the size, there were other difficulties which were inherent in the problem itself. We have got many communities living in this country. We have got many languages prevalent in different parts of it. We have got other kinds of differences

*[ ]Translation of Hindustani speech.

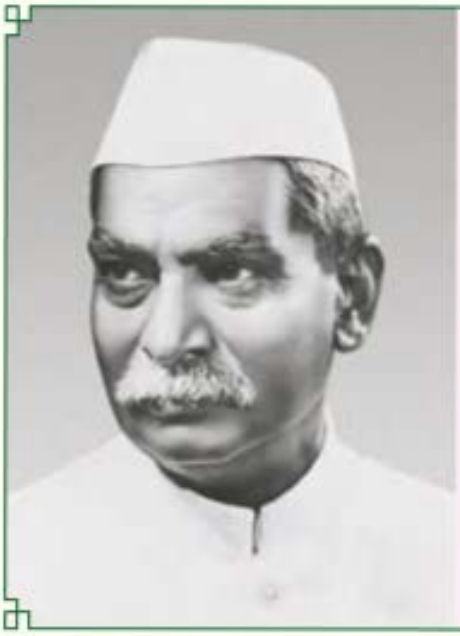
dividing the people in the different parts from one another. We had to make provision not only for areas which are advanced educationally and economically; we had also to make provision for backward people like the Tribes and for backward areas like the Tribal Areas. The communal problem had been one of the knottiest problem which the country has had before it for a pretty long time. The Second Round Table Conference which was attended by Mahatma Gandhi failed because the communal problem could not be solved. The subsequent history of the country is too recent to require narration here; but we know this that as a result, the country has had to be divided and we have lost two big portions in the north-east and north-west.

Another problem of great magnitude was the problem of the Indian States. When the British came to India, they did not conquer the country as a whole or at one stroke. They got bits of it from time to time. The bits which came into their direct possession and control came to be known as British India; but a considerable portion remained under the rule and control of the Indian Princes. The British thought at the time that it was not necessary or profitable for them to take direct control of those territories, and they allowed the old Rulers to continue subject to their suzerainty. But they entered into various kinds of treaties and engagements with them. We had something near six hundred States covering more than one-third of the territory of India and one-fourth of the population of the country. They varied in size from small tiny principalities to big States like Mysore, Hyderabad, Kashmir, etc. When the British decided to leave this country, they transferred power to us; but at the same time, they also declared that all the treaties and engagements they had with the princes had lapsed. The paramountcy which they had so long exercised and by which they could keep the Princes in order also lapsed. The Indian Government was them faced with the problem of tackling these States which had different traditions of rule, some of them having some form of popular representation in Assemblies and some having no semblance of anything like that, and governing completely autocratically.

> The welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. It is a trite saying that a country can have only the Government it deserves... If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country. After all, a Constitution like a machine is a lifeless thing. It acquires life because of the men who control it and operate it, and India needs today nothing more than a set of honest men who will have the interest of the country before them.
>
> **Dr. Rajendra Prasad**

As a result of the declaration that the treaties with the Princes and Paramountcy had lapsed, it became open to any Prince or any combination of Princes to assume independence and even to enter into negotiations with any foreign power and thus become islands of independent territory within the country. There were undoubtedly geographical and other compulsions which made it physically impossible for most of them to go against the Government of India but constitutionally it had become possible. The Constituent Assembly therefore had at the very beginning of its labours, to enter into negotiations with them to bring their representatives into the Assembly so that a constitution might be framed in consultation with them. The first efforts were successful and some of them did join this Assembly at an early stage but others hesitated. It is not necessary to pry into the secrets of what was happening in those days behind the scenes. It will be sufficient to state that by August 1947, when the Indian Independence Act came into force, almost all of them with two notable exceptions, Kashmir in the north and Hyderabad in the south, had acceded to India. Kashmir soon after followed the example of others and acceded. There were standstill agreements with all of them including Hyderabad which continued the *status quo*. As time passed, it became apparent that it was not possible at any rate for the smaller States to maintain their separate independent existence and then a process of integration with India started. In course of time not only have all the smaller States coalesced and become integrated with some province or other of India but some of the larger ones also have joined. Many of the States have formed Unions of their own and such Unions have become part of the Indian Union. It must be said to the credit of the Princes and the people of the States no less than to the credit of the States Ministry under the wise and far-sighted guidance of Sardar Vallabhbhai Patel that by the time we have been able to pass this Constitution, the States are now more or less in the same position as the Provinces and it has become possible to describe all of them including the Indian States and the Provinces as States in the Constitution. The announcement which has been made just now by Sardar Vallabhbhai Patel makes the position very clear, and now there is no difference between the States, as understood before, and the provinces in the New Constitution.

It has undoubtedly taken us three years to complete this work, but when we consider the work that has been accomplished and the number of days that we have spent in framing this Constitution, the details of which were given by the Honourable Dr. B.R. Ambedkar, yesterday, we have no reason to be sorry for the time spent. It has enabled the appparently intractable problem of the States and the communal problem to be solved. What had proved insoluble at the Round Table Conference and had resulted in the division of the country has been solved with the consent of all parties concerned, and again under the wise guidance of Honourable Sardar Vallabhbhai Patel.



We have prepared a democratic Constitution. But successful working of democratic institutions requires in those who have to work them willingness to respect the view points of others, capacity for compromise and accommodation. Many things which cannot be written in a Constitution are done by conventions. Let me hope that we shall show those capacities and develop those conventions. The way in which we have been able to draw this Constitution without taking recourse to voting and to divisions in Lobbies strengthens that hope.

Dr. Rajendra Prasad

At first, we were able to get rid of separate electorates which had poisoned our political life for so many years, but reservation of seats for the communities which enjoyed separate electorates before had to be conceded, although on the basis of their population and not as had been done in the Act of 1919 and the Act of 1935 of giving additional representation on account of the so-called historical and other superiority claimed by some of the communities. It has become possible only because the Constitution was not passed earlier that even reservation of seats has been given up by the communities concerned and so our Constitution does not provide for reservation of seats on communal basis, but for reservation only in favour of two classes of people in our population, namely, the depressed classes who are Hindus and the tribal people, on account of their backwardness in education and in other respects. I, therefore, see no reason to be apologetic about the delay.

The cost too which the Assembly has had to incur during its three years' existence is not too high when you take into consideration the factors going to constitute it. I understand that the expenses up to the 22nd of November come to Rs. 63,96,729/-.

The method which the Constituent Assembly adopted in connection with the Constitution was first to lay down its 'terms of reference' as it were in the form of an Objectives Resolution which was moved by Pandit Jawaharlal Nehru in an inspiring speech and which constitutes now the Preamble to our Constitution. It then proceeded to appoint a number of Committees to deal with different aspects of the Constitutional problem.

Dr. Ambedkar mentioned the names of these Committees. Several of these had as their Chairman either Pandit Jawaharlal Nehru or Sardar Patel to whom thus goes the credit for the fundamentals of our Constitution. I have only to add that they all worked in a business-like manner and produced reports which were considered by the Assembly and their recommendations were adopted as the basis on which the draft of the Constitution had to be prepared. This was done by Mr. B.N. Rau, who brought to bear on his task a detailed knowledge of Constitutions of other countries and an extensive knowledge of the conditions of this country as well as his own administrative experience. The Assembly then appointed the Drafting Committee which worked on the original draft prepared by Mr. B.N. Rau and produced the Draft Constitution which was considered by the Assembly at great length at the second reading stage. As Dr. Ambedkar pointed out, there were not less that 7,635 amendments of which 2,473 amendments were moved. I am mentioning this only to show that it was not only the Members of the Drafting Committee who were giving their close attention to the Constitution, but other Members were vigilant and scrutinising the Draft in all its details. No wonder, that we had to consider not only each article in the Draft, but practically every sentence and sometimes, every word in every article. It may interest honourable Members to know that the public were taking great interest in its proceedings and I have discovered that not less than 53,000 visitors were admitted to the Visitors Gallery during the period when the Constitution has been under consideration. In the result, the Draft Constitution has increased in size, and by the time it has been passed, it has come to have 395 articles and 8 Schedules, instead of the 243 articles and 13 Schedules of the original Draft of Mr. B.N. Rau. I do not attach much importance to the complaint which is sometimes made that it has become too bulky. If the provisions have been well thought out, the bulk need not disturb the equanimity of our mind.

We have now to consider the salient features of the Constitution. The first question which arises and which has been mooted is as to the category to which this Constitution belongs. Personally, I do not attach any importance to the label which may be attached to it—whether you call it Federal Constitution or Unitary Constitution or by any other name. It makes no difference so long as the Constitution serves our purpose. We are not bound to have a Constitution which completely and fully falls in line with known categories of Constitution in the world. We have to take certain facts of history in our own country and the Constitution has not to an inconsiderable extent been influenced by such realities as facts of history.

You are all aware that until the Round Table Conference of 1930, India was completely an Unitary Government, and the Provinces derived whatever power they possessed from the Government of India. It was therefore the first time that the question of Federation in a practical form arose which would include not only the Provinces but also the many States that were

in existence. The Constitution of 1935 provided for a Federation in which both the Provinces of India and the States were asked to join. But the federal part of it could not be brought into operation, because terms on which the Princes could agree to joint it could not be settled in spite of prolonged negotiation. And, when the war broke out, that part of the Constitution had practically to be abrogated.

In the present Constitution it has been possible not only to bring in practically all the States which fell within our geographical limits, but to integrate the largest majority of them in India, and the Constitution as it stands practically makes no difference so far as the administration and the distribution of powers among the various organs of the State are concerned between what were the Provinces and what were Indian States before. They are all now more or less on the same footing and, as time passes, whatever little distinction still exists is bound to disappear. Therefore, so far as labelling is concerned, we need not be troubled by it.

Well, the first and the most obvious fact which will attract any observer is the fact that we are going to have a Republic. India knew republics in the past olden days, but that was 2,000 years ago or more and those republics were small republics. We never had anything like the Republic which we are going to have now, although there were empires in those days as well as during the Mughal period which covered very large parts of the country. The President of the Republic will be an elected President. We never have had an elected Head of the State which covered such a large area of India. And it is for the first time that it becomes open to the humblest and the lowliest citizens of the country to deserve and become the President or the head of this big State which counts among the biggest States of the world today. This is not a small matter. But because we have an elected President, some of the problems which are of a very difficult nature have arisen. We have provided for the election of the President. We have provided for an elected Legislature which is going to have supreme authority. In America, the Legislature and the President are both elected and, there both have more or less equal powers—each in its or his own sphere, the President in the executive sphere and the Legislature in the legislative sphere.

We considered whether we should adopt the American model or the British model where we have a hereditary king who is the fountain of all honour and power, but who does not actually enjoy any power. All the power rests in the Legislature to which the Ministers are responsible. We have had to reconcile the position of an elected President with an elected Legislature and, in doing so, we have adopted more or less the position of the British Monarch for the President. This may or may not be satisfactory. Some people think too much power has been given to the President; others think that the President, being an elected President, should have even more powers than are given to him.

If you look at it from the point of view of the electorate which elects the Parliament and which elects the President, you will find that practically the entire adult population of the country joins in electing this Parliament and it is not only the members of the Parliament of India but also the Members of the Legislative Assemblies of the States who join in electing the President. It thus comes about that while the Parliament and Legislative Assemblies are elected by the adult population of the country as a whole, the President is elected by representatives who represent the entire population twice over, once as representatives of the States and again as their representatives in the Central Parliament of the country. But although the President is elected by the same electorate as the Central and State Legislatures, it is as well that his position is that of a Constitutional President.

Then we come to the Ministers. They are of course responsible to the Legislature and tender advice to the President who is bound to act according to that advice. Although there are no specific provisions, so far as I know, in the Constitution itself making it binding on the President to accept the advice of his Ministers, it is hoped that the convention under which in England the King acts always on the advice of his Ministers will be established in this country also and, the President, not so much on account of the written word in the Constitution, but as the result of this very healthy convention, will become a Constitutional President in all matters.

The Central Legislature consists of two Houses known as the House of People and the Council of States which both together constitute the Parliament of India. In the Provinces, or States as they are now called, we shall have a Legislative Assembly in all of them except those which are mentioned in Parts C and D of Schedule I, but every one of them will not have a Second Chamber. Some of the Provinces, whose representatives felt that a Second Chamber is required for them, have been provided with a Second Chamber. But there is a provision in the Constitution that if a province does not want such a Second Chamber to continue or if a Province which has not got one wants to establish one, the wish has to be expressed through the Legislature by a majority of two-thirds of the members voting and by a majority of the total number of Members in the Legislative Assembly. So, even while providing some of the States with Second Chambers, we had provided also for their easy removal or for their easy establishment by making this kind of amendment of the Constitution not a Constitutional Amendment, but a matter of ordinary parliamentary legislation.

We have provided for adult suffrage by which the Legislative Assemblies in the provinces and the House of the People in the Centre will be elected. It is a very big step that we have taken. It is big not only because our present electorate is a very much smaller electorate and based very largely on property qualification, but it is also big because it involves tremendous numbers. Our population now is something like 320 millions if not more and

we have found from experience gained during the enrolment of voters that has been going on in the provinces that 50 per cent. roughly representing the adult population. And on that basis we shall have not less than 160 million voters on our rolls. The work of organising election by such vast numbers is of tremendous magnitude and there is no another country where election on such a large scale has ever yet been held.

I will just mention to you some facts in this connection. The Legislative Assemblies in the provinces, it is roughly calculated, will have more than 3,800 members who will have to be elected in as many constituencies or perhaps a few less. Then there will be something like 500 members for the House of the People and about 220 Members for the Council of States. We shall thus have to provide for the election of more than 4,500 members and the country will have to be divided into something like 4,000 constituencies or so. I was the other day, as a matter of amusement, calculating what our electoral roll will look like. If you print 40 names on a page of foolscap size, we shall require something like 20 lakhs of sheets of foolscap size to print all the names of the voters, and if you combine the whole thing in one volume, the thickness of the volume will be something like 200 yards. That alone gives us some idea of the vastness of the task and the work involved in finalising the rolls, delimiting Constituencies, fixing polling stations and making other arrangements which will have to be done between now and the winter of 1950-51 when it is hoped the elections may be held.

Some people have doubted the wisdom of adult franchise. Personally, although I look upon it as an experiment the result of which no one will be able to forecast today, I am not dismayed by it. I am a man of the village and although I have had to live in cities for a pretty long time, on account of my work, my roots are still there. I, therefore, know the village people who will constitute the bulk of this vast electorate. In my opinion, our people possess intelligence and common sense. They also have a culture which the sophisticated people of today may not appreciate, but which is solid. They are not literate and do not possess the mechanical skill of reading and writing. But, I have no doubt in my mind that they are able to take measure of their own interest and also of the intrests of the country at large if things are explained to them. In fact, in some respects, I consider them to be even more intelligent than many a worker in a factory, who loses his individuality and becomes more or less a part of the machine which he has to work. I have, therefore, no doubt in my mind that if things are explained to them, they will not only be able to pick up the technique of election, but will be able to cast their votes in an intelligent manner and I have, therefore, no misgivings about the future, on their account. I cannot say the same thing about the other people who may try to influence them by slogans and by placing before them beautiful pictures of impracticable programmes. Nevertheless, I think their sturdy common sense will enable them to see things in the right perspective. We can,

therefore, reasonably hope that we shall have legislatures composed of members who shall have their feet on the ground and who will take a realistic view of things.

Although provision has been made for a Second Chamber in the Parliament and for Second Chambers in some of the States, it is the popular House which is supreme. In all financial and money matters, the supremacy of the popular House is laid down in so many words. But even in regard to other matters where the Upper Chamber may be said to have equal powers for initiating and passing laws, the supremacy of the popular House is assured. So far as Parliament is concerned, if a difference arises between the two Chambers, a joint session may be held; but the Constitution provides that the number of Members of the Council of States shall not be more than 50 per cent of the Members of the House of the People. Therefore, even in the case of a joint session, the supremacy of the House of the People is maintained, unless the majority in that very House is a small one which will be just a case in which its supremacy should not prevail. In the case of Provincial Legislatures, the decision of the Lower House, prevails if it is taken a second time. The Upper Chamber therefore can only delay the passage of Bills for a time, but cannot prevent it. The President or the Governor, as the case may be, will have to give his assent to any legislation, but that will be only on the advice of his Ministry which is responsible ultimately to the popular House. Thus, it is the will of the people as expressed by their representatives in the popular Chamber that will finally determine all matters. The Second Chamber and the President or the Governor can only direct reconsideration and can only cause some delay; but if the popular Chamber is determined, it will have its way under the Constitution. The Government, therefore, of the country as a whole, both in the Centre and in the Provinces, will rest on the will of the people which will be expressed from day to day through their representatives in the Legislatures and, occasionally directly by them at the time of the general elections.

We have provided in the Constitution for a Judiciary which will be independent. It is difficult to suggest anything more to make the Supreme Court and the High Court independent of the influence of the Executive. There is an attempt made in the Constitution to make even the lower judiciary independent of any outside or extraneous influence. One of our articles makes it easy for the State Governments to introduce separation of Executive from Judicial functions and placing the magistracy which deals with criminal cases on similar footing as Civil Courts. I can only express the hope that this long overdue reform will soon be introduced in the States.

Our Constitution has devised certain independent agencies to deal with particular matters. Thus it has provided for Public Service Commission both for the Union and for the States and placed such Commission on an

independent footing so that they may discharge their duties without being influenced by the Executive. One of the things against which we have to guard is that there should be no room as far as it is humanly possible for jobbery, nepotism and favouritism. I think the provisions which we have introduced into our Constitution will be very helpful in this direction.

Another independent authority is the Comptroller and Auditor-General who will watch our finances and see to it that no part of the revenues of India or of any of the States is used for purposes and on items without due authority and whose duty it will be otherwise to keep our accounts in order. When we consider that our Governments will have to deal with hundreds of crores, it becomes clear how important and vital this Department will be. We have provided another important authority, *i.e.*, the Election Commissioner whose function it will be to conduct and supervise the elections to the Legislatures and to take all other necessary action in connection with them. One of the dangers which we have to face arises out of any corruption which parties, candidates or the Government in power may practise. We have had no experience of democratic elections for a long time except during the last few years and now that we have got real power, the danger of corruption is not only imaginary. It is, therefore, as well that our Constitution guards against this danger and makes provision for an honest and straightforward election by the voters. In the case of the Legislature, the High Courts, the Public Service Commission, the Comptroller and Auditor-General and the Election Commissioner, the staff which will assist them in their work has also been placed under their control and in most of these cases their appointment, promotion and discipline vest in the particular institution to which they belong thus giving additional safeguards about their independence.

The Constitution has given in two Schedules, namely Schedules V and VI, special provisions for the administration and control of Scheduled Areas and Scheduled Tribes. In the case of the Tribes and Tribal Areas in States other than Assam, the Tribes will be able to influence the administration through the Tribes Advisory Council. In the case of the Tribes and Tribal Areas in Assam, they are given larger powers through their District Councils and Autonomous Regional Councils. There is, further provision for a Minister in the State Ministries to be in charge of the welfare of the Tribes and the Scheduled Castes and a Commission will also report about the way in which the areas are administered. It was necesary to make this provision on account of the backwardness of the Tribes which require protection and also because their own way of solving their own problems and carrying on their Tribal life. These provisions have given them considerable satisfaction as the provision for the welfare and protection of the Scheduled Castes has given satisfaction to them.

The Constitution has gone into great details regarding the distribution of power and functions between the Union and the States in all aspects of

their administrative and other activities. It has been said by some that the powers given to the Centre are too many and too extensive and the States have been deprived of power which should really belong to them in their own fields. I do not wish to pass any judgment on this criticism and can only say that we cannot be too cautious about our future, particularly when we remember the history of this country extending over many centuries. But such powers as have been given to the Centre to act within the sphere of the States relate only to emergencies, whether political or financial and economic, and I do not anticipate that there will be any tendency on the part of the Centre to grab more power than is necessary for good administration of the country as a whole. In any case the Central Legislature consists of representatives from the States and unless they are convinced of their over-riding necessity, they are not likely to consent to the use of any such powers by the Central executive as against the States whose people they represent. I do not attach much importance to the complaint that residuary powers have been vested in the Union. Powers have been very meticulously and elaborately defined and demarcated in the three lists of Schedule VII and the residue whatever it may be, is not likely to cover any large field and, therefore, the vesting of such residuary powers does not mean any very serious derogation in fact from the power which ought to belong to the States.

One of the problems which the Constituent Assembly took considerable time in solving relates to the language for official purposes of the country. There is a natural desire that we should have our own language, and in spite of the difficulties on account of the multiplicity of languages prevalent in the country, we have been able to adopt Hindi, which is the language that is understood by the largest number of people in the country as our official language. I look upon this as a decision of very great importance when we consider that in a small country like Switzerland they have no less than three official languages and in South Africa two official languages. It shows a spirit of accommodation and a determinaiton to organize the country as one nation that those whose language is not Hindi have voluntarily accepted it as the official language. There is no question of imposition now. English during the period of British rule, Persian during the period of the Muslim Empire were Court and official languages. Although people have studied them and have acquired proficiency in them, no body can claim that they were voluntarily adopted by the people of the country at large. Now for the first time in our history we have accepted one language which will be the language to be used all over the country for all official purposes, and, let me hope that it will develop into a national language in which all will feel equal pride while each area will be not only free, but also encouraged to develop its own peculiar language in which its culture and its traditions are enshrined. The use of English during the period of transition was considered inevitable for practical reasons and no one need be

despondent over this decision, which has been dictated purely by practical considerations. It is the duty of the country as a whole now and especially of those whose language is Hindi to so shape and develop it as to make it the language in which the composite culture of India can find its expression adequately and nobly.

Another important feature of our Constitution is that it enables amendments to be made without much difficulty. Even the constitutional amendments are not as difficult as in the case of some other countries, but many of the provisions in the Constitution are capable of being amended by the Parliament by ordinary acts and do not require the procedure laid down for constitutional amendments to be followed. There was a provision at one time which proposed that amendments should be made easy for the first five years after the Constitution comes into force, but such a provision has become unnecessary on account of the numerous exceptions which have been made in the Constitution itself for amendments without the procedure laid down for constitutional amendments. On the whole, therefore, we have been able to draft a Constitution which I trust will serve the country well.

There is a special provision in our Directive Principles to which I attach great importance. We have not provided for the good of our people only but have laid down in our Directive Principles that our State shall endeavour to promote material peace and security, maintain just and honourable relations between nations, foster respect for internaitonal law and treaty obligations and encourage settlement of international disputes by arbitration. In a world torn with conflicts, in a world which even after the devastation of two world wars is still depending on armaments to establish peace and goodwill, we are destined to play a great part, if we prove true to the teachings of the Father of the Nation and give effect to this Directive Principles in our Constitution. Would to God that He would give us the wisdom and the strength to pursue this path in spite of the difficulties which beset us and the atmosphere which may well choke us. Let us have faith in ourselves and in the teachings of the Master whose portrait hangs over my head and we shall fulfil the hopes and prove true to the best interests of not only our country but of the world at large.

I do not propose to deal with the criticism which relate mostly to the articles in the part dealing with Fundamental Rights by which absolute rights are curtailed and the articles dealing with Emergency Powers. Other Members have dealt with these objections at great length. All that I need state at this stage is that the present conditions of the country and tendencies which are apparent have necessitated these provisions which are also based on the experience of other countries which have had to enforce them through judicial decisions, even when they were not provided for in the Constitution.

There are only two regrets which I must share with the honourable Members I would have liked to have some qualifications laid down for members of the Legislatures. It is anomalous that we should insist upon high qualifications for those who administer or help in administering the law but none for those who make it except that they are elected. A law giver requires intellectual equipment but even more than that capacity to take a balanced view of things, to act independently and above all to be true to those fundamental things of life in one word—to have character. It is not possible to devise any yard-stick for measuring the moral qualities of a man and so long as that is not possible, our Constitution will remain defective. The other regret is that we have not been able to draw up our first Constitution of a free Bharat in an Indian language. The difficulties in both cases were practical and proved insurmountable. But that does not make the regret any the less poignant.

We have prepared a democratic Constitution. But successful working of democratic institutions requires in those who have to work them willingness to respect the view points of others, capacity for compromise and accommodation. Many things which cannot be written in a Constitution are done by conventions. Let me hope that we shall show those capacities and develop those conventions. The way in which we have been able to draw this Constitution without taking recourse to voting and to divisions in Lobbies strengthens that hope.

Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. It is a trite saying that a country can have only the Government it deserves. Our Constitution has provisions in it which appear to some to be objectionable from one point or another. We must admit that the defects are inherent in the situation in the country and the people at large. If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country. After all, a Constitution like a machine is a lifeless thing. It acquires life because of the men who control it and operate it, and India needs today nothing more than a set of honest men who will have the interest of the country before them. There is a fissiparous tendency arising out of various elements in our life. We have communal differences, caste differences, language differences, provincial differences and so forth. It requires men of strong character, men of vision, men who will not sacrifice the interests of the country at large for the sake of smaller groups and areas and who will rise over the prejudices which are born of these differences. We can only hope that the country will throw up such men in abundance. I can say this from the exprience of the struggle that we have had during the period of the freedom movement that new occasions throw up new men; not once but almost on every occasion when

all leading men in the Congress were clapped into prison suddenly without having the time to leave instructions to others and even to make plans for carrying on their campaigns, people arose from amongst the masses who were able to continue and conduct the campaigns with intelligence, with initiative, with capacity for organisation which nobody suspected they possessed. I have no doubt that when the country needs men of character, they will be coming up and the masses will throw them up. Let not those who have served in the past therefore rest on their oars, saying that they have done their part and now has come the time for them to enjoy the fruits of their labours. No such time comes to anyone who is really earnest about his work. In India, today I feel that the work that confronts us is even more difficult than the work which we had when we were engaged in the struggle. We did not have then any conficting claims to reconcile, no loaves and fishes to distribute, no powers to share. We have all these now, and the temptations are really great. Would to God that we shall have the wisdom and the strength to rise above them, and to serve the country which we have succeeded in liberating.

Mahatma Gandhi laid stress on the purity of the methods which had to be pursued for attaining our ends. Let us not forget that this teaching has eternal value and was not intended only for the period of stress and struggle but has as much authority and value today as it ever had before. We have a tendency to blame others for everything that goes wrong and not to introspect and try to see if we have any share in it or not. It is very much easier to scan one's own actions and motives, if one is inclined to do so than to appraise correctly the actions and motives of others. I shall only hope that all those whose good fortune it may be to work this Constitution in future will remember that it was a unique victory which we achieved by the unique method taught to us by the Father of the Nation, and it is up to us to preserve and protect the independence that we have won to make it really bear fruit for the man in the street. Let us launch on this new enterprise of running our Independent Republic with confidence, with truth and non-violence and above all with heart within and God over head.

Before I close, I must express my thanks to all the membrs of this august Assembly from whom I have received not only courtesy but, if I may say so, also their respect and affection. Sitting in the Chair and watching the proceedings from day to day. I have realised as nobody else could have, with what zeal and devotion the members of the Drafting Committee and especially its Chairman, Dr. Ambedkar in spite of his indifferent health, have worked. We could never make a decision which was or could be ever so right as when we put him on the Drafting Committee and made him its Chairman. He has not only justified his selection but has added lustre to the work which he has done. In this connection, it would be invidious to make any distinction as among the other members of the Committee. I know they have all worked with the same zeal and devotion as its Chairman, and they deserve the thanks of the country.

I must convey, if you will permit me, my own thanks as well as the thanks of the House to our Constitutional Adviser, Shri B.N. Rau, who worked honorarily all the time that he was here, assisting the Assembly not only with his knowledge and erudition but also enabled the other Members to perform their duties with thoroughness and intelligence by supplying them with the material on which they could work. In this he was assisted by his band of research workers and other members of the staff who worked with zeal and devotion. Tribute has been paid justly to Shri S.N. Mukerjee who has proved of such invaluable help to the Drafting Committee.

Coming to the staff of the Secretariat of the Constituent Assembly I must first mention and thank the Secretary, Mr. H.V.R. Iengar, who organised the Secretariat as an efficient working body. Although later when the work began to proceed with more or less clock-work regularity, it was possible for us to relieve him of part of his duties to take up other work, he has never lost touch with our Secretariat or with the work of the Constituent Assembly.

The members of the staff have worked with efficiency and with devotion under our Deputy Secretary Shri Jugal Kishore Khanna. It is not always possible to see their work which is done removed from the gaze of the Members of this Assembly but I am sure the tribute which Member after Member has paid to their efficiency and devotion to work is thoroughly deserved. Our Reporters have done their work in a way which will give credit to them and which has helped in the preservation of a record of the proceedings of the Assembly which have been long and taxing. I must mention the translators as also the Translation Committee under the Chairmanship of Honourable Shri G.S. Gupta who have had a hard job in finding Hindi equivalents for English terms used in the Constitution. They are just now engaged in helping a Committee of Linguistic Experts in evolving a vocabalary which will be acceptable to all other languages as equivalents to English words used in the Constitution and in law. The Watch and Ward officers and the Police and last though not least the Marshall have all performed their duties to our satisfaction. I should not forget the peons and even the humbler people. They have all done their best. It is necessary for me to say all this because with the completion of the work of Constitution-framing, most of them who have been working on a temporary basis, will be out of employment unless they could be absorbed in other Departments and Ministries. I do hope that it will be possible to absorb them as they have considerable experience and are a willing and efficient set of workers. All deserve my thanks as I have received courtesy, co-operation and loyal service from all. (*Prolonged Cheers*).

It now remains to put the motion which was moved by Dr. Ambedkar, to the vote of the House. The question is:

"That the Constitution as settled by the Assembly be passed."

The motion was adopted. (*Prolonged Cheers*).

Mr. President : I have now formally to sign the Bill which has now become an Act, by way of its authentication so that it may get authority and come into force immediately.

* * * * *

Mr. President then authenticated the Constitution.

Mr. President : Before the House adjourns, there is one formal matter to be gone through and that is to give me authority to call another session of the Assembly in January.

Shri Satyanarayan Sinha (Bihar : General) : Sir, I move :

"Resolved that the Constituent Assembly do adjourn till such date before the 26th of January 1950 as the President may fix."

Mr. President : The question is :

"Resolved that the Constituent Assembly do adjourn till such date before the 26th of January, 1950 as the President may fix."

The motion was adopted.

Mr. President : Before we adjourn, I would like to go round and shake hands with all the Members as I did when you first elected me to this place.

The Honourable Pandit Jawaharlal Nehru (United Provinces : General): We shall come there and shake hands one by one, Sir.

(The honourable Members then shook hands with Mr. President one by one.)

Mr. President : The House is adjourned *sine die*.

The Assembly then adjourned until a date before the 26th of January, 1950, to be fixed by the President.

The Prime Minister, Pandit Jawaharlal Nehru congratulating Dr. Rajendra Prasad on the passing of the Constitution by the Constituent Assembly (26 November 1949)

The Minister of Industry and Supply, Dr. Syama Prasad Mookerjee congratulating Dr. Rajendra Prasad on the passing of the Constitution (26 November 1949)

The Labour Minister, Babu Jagjivan Ram felicitating Dr. Rajendra Prasad on the passing of the Constitution (26 November 1949)

ADOPTION OF THE CONSTITUTION OF INDIA

26 NOVEMBER 1949

The Sunday

Amrita Bazar Patrika

CONSTITUTION OF INDIA ADOPTED

Rajendra Prasad Signs Document

INAUGURATION OF REPUBLIC ON JAN. 26

Immediate Enforcement Of Provisions On Citizenship

Commonwealth Ministers Meet In Colombo From January 9

Nehru To Attend: Major Current World Problems To Be Discussed

INCOME-TAX AND JUTE DUTY

16 Crores To Vote

Set Of Honest Men Must Come Forward To Work Constitution

CONSEMBLY PRESIDENT'S HOPE

Let Not Those Who Served India In Past Rest On Their Oars In Future

Hilarious Scenes Of Enthusiasm

Communists Capture Two Important Towns Of Kwangsi

Chungking Threatened From Three Sides: 95000 Reds Massed In E. Front

BAMUNER MEYE

RUPABANI — INDIRA — PRACHI

ALO-CHAYA

VEEDOL

THE WORLD'S MOST FAMOUS MOTOR OIL

ROLEX & CYMA

The Hindustan Times Weekly

ARUJA

CONSTITUTION OF REPUBLICAN INDIA ADOPTED

Enthusiastic Scenes In C.A.

CERTAIN PROVISIONS COMING INTO FORCE IMMEDIATELY

DR PRASAD'S INSPIRING ADDRESS

Final Constitution
Cont. Two pages

CONSTITUTION SUPPLEMENT

All Iraqis In Persia Asked To Clear Out

NIGERIAN POLICE FIRE ON RIOTERS

GOVERNOR DECLARES STATE OF EMERGENCY

Grand Century By Bolt Helps Tourists Land Pakistan

NATIONAL BANK OF LAHORE LTD.

FREE-HOLD PLOTS FOR FACTORIES

ELECTRIC POWER CONNECTION

Delhi Land & Finance Ltd.,

THIS IS NEW!

Supplement To

The Hindustan Times

CONSTITUTION OF INDIAN REPUBLIC

People's Will Reflected In Constitution

Assembly Concludes 3-Year Labour

POST-INDEPENDENCE CHANGES TAKEN INTO ACCOUNT

The Constitution And How It Can Be Worked

The Preamble

PART I
The Union And Its Territory

PART II
Citizenship

PART III
Fundamental Rights

The Drafters

PROCEEDINGS OF THE CONSTITUENT ASSEMBLY ON 24 JANUARY 1950

ELECTION OF THE PRESIDENT OF INDIA AND SIGNING OF THE CONSTITUTION OF INDIA

Tuesday, the 24th January 1950

The Constituent Assembly met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad), in the Chair.

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following Members took the Pledge and signed the Register:—

Shri Ratnappa Bharmappa Kumbhar (Bombay States).

Dr. Y. S. Parmar (Himachal Pradesh).

STATEMENT *RE* : NATIONAL ANTHEM

Mr. President : There is one matter which has been pending for discussion, namely the question of the National Anthem. At one time, it was thought that the matter might be brought up before the House and a decision taken by the House by way of a resolution. But it has been felt that instead of taking a formal decision by means of a resolution, it is better if I make a statement with regard to the National Anthem. Accordingly, I make this statement.

The composition consisting of the words and music known as *Jana Gana Mana* is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song *Vande Mataram,* which has played a historic part in the struggle for Indian freedom, shall be honoured equally with *Jana Gana Mana* and shall have equal status with it. (*Applause*). I hope this will satisfy the Members.

ELECTION OF NEW MEMBERS

Shri B. Das (Orissa : General) : Sir, before we dispersed on the last occasion, we gave full power to you, the Honourable President of the Constituent Assembly of India, to direct the provincial Governments and the Government of India about the way in which elections will take place for the seats vacated by the displaced persons, who will not be Members of this place any more. Further, we read in the papers that the Honourable

Prime Minister made a statement that more women should be elected to the Parliament. We saw certain statement issued by Dr. Pattabhi Sitaramayya in connection with election of more women Members.

An Honourable Member : On a point of order, Sir.

Shri B. Das : There is no occasion for any point of order now. The present position, I may say, is that the United Provinces has sent two lady Members in place of three now displaced. The Orissa province has not sent any lady Member. No other Province has made any extra effort to send in lady Members. Women are about 50 per cent of the population. I do not want that they should give battle at the time of the next elections on this ground. I do not want a pitched battle between Man and Woman.

Mr. President : I think if you only put a question I may answer it.

Shri H. V. Kamath (C. P. & Berar: General) : May I request you, Sir, to be so good as to tell the House whether any steps were taken to secure the representation of Hyderabad in this Assembly, and if so, at what stage, the matter stands today? That is the only State that has not so far sent any Member to this Assembly.

Mr. President : I shall answer the questions one by one. So far as filling the vacancies which arose on account of the elimination of Members who were also members of the Provincial Legislatures is concerned, the rules were amended and elections have been held in accordance with those rules. According to the decision of the House and according to those rules, there are no seats reserved for women. It was left to the electorate to elect women. Such persons as have been elected will come to this House and we could not compel any electorate to send in women only.

As regards the other question, I am not in a position to say as to what steps have been or have not been taken. That is really a matter for the Government.

Shri H. V. Kamath : May I know if any instructions were issued from your office?

Mr. President : We had asked all those who are entitled to send Members to this House to send their representatives. That has been done and nothing further has happened after that.

Shri H. J. Khandekar (C. P. & Berar: General) : May I know whether any instructions were issued by you or by your office to fill the seats vacated by Scheduled Castes by Members from the aboriginal tribes?

Mr. President : I do not think there were any such instructions issued.

Shri H.J. Khandekar : But there were some instructions issued to some Provinces that the Harijan seats should be filled by the aboriginal tribes.

Mr. President : I do not know.

Shri H.J. Khandekar : Were such instructions issued in Orissa?

Mr. President : I do not know.

Prof. Shibban Lal Saksena (United Provinces: General) : May I know whether any Hindi translation of the Constitution has been prepared ?

Mr. President : Yes, it is ready.

Shri H.J. Khandekar : May I request you to enquire into the matter as regards Orissa where from a member of the aboriginal tribe is elected to this House in place of a Harijan ?

Mr. President : If I continue in this place, I will enquire about it.

ELECTION OF PRESIDENT OF INDIA

Mr. President : The next item is the announcement of the result of the elections. I call upon Shri H. V. R. Iengar, the Returning Officer and the Secretary of the Constituent Assembly, to make the announcement.

Shri H.V.R. Iengar (Returning Officer and Secretary, Constitutent Assembly) Mr. President, I have to inform honourable Members that only one nomination paper has been received for the office of the President of India. The name of that candidate is Dr. Rajendra Prasad. (*Loud and prolonged cheers.*) His nomination has been proposed by Pandit Jawaharlal Nehru (*Renewed Cheers*) and seconded by Sardar Vallabhbhai Patel (*Continued Cheers*), Under sub-rule (1) of rule 8 of the Rules for the election of the President, I hereby declare Dr. Rajendra Prasad to be duly elected to the Office of President of India. (*Prolonged Cheers*).

The Honourable Shri Jawaharlal Nehru (United Provinces : General) : Mr. President, may I, Sir, on my own behalf and on behalf of every Member of this honourable House, offer you respectful congratulations on this high honour that has been conferred upon you ? It is more than three years since we began the work of this Constituent Assembly under your leadership, and during these three years much has happened in this country which has changed the face of this country. We have faced turmoil and crisis repeatedly but we have gone on with the work of making a Constitution for the public of India and now we have accomplished that task. That chapter is closed. Fresh labours await us and another chapter begins in a day or two. Not only have we had experience of your able leadership during these three years

of great difficulty but many of us have known you for three and thirty years or so as a soldier of India, ever in the forefront of the battle for freedom. (*Cheers*). So, we welcome you Sir, as our leader, as the Head of the Republic of India and as a comrade who has faced without flinching all the crisis and troubles that have confronted this country during the past generation. One task is accomplished today in this Assembly and this Assembly will cease to be, having done its work or rather it will suffer a sea change and emerge as the Parliament of the Republic of India. One task is accomplished that we set for us long ago. Other tasks now confront us. One dream that we dreamt for years past has been realised, but we confront again other dreams and other tasks, perhaps more arduous than the one we have already accomplished. It is a comfort for us all to know that in these future tasks and struggles, we shall have you as the Head of this Republic of India, and may I, Sir, pledge my loyalty and fealty to this Republic of which you will be the honoured President. (*Prolonged Cheers*).

The Honourable Sardar Vallabhbhai J. Patel (Bombay: General) : Mr. President and Friends, I crave, your permission, Sir, to join in the chorus of congratulations showered on you on this sacred occasion when you have been elected as the Head of the State by the unanimous will of the representatives of the nation. (*Cheers*). I endorse every word that has fallen from the lips of the Honourable the Prime Minister and I beg to congratulate you on the great honour that has been conferred on you. For three years you have been working as the President of the Constituent Assembly and Members have watched the way in which the proceedings of the Assembly have been conducted by you. At one time we were anxious and nervous because of your failing health due to the strain put upon you, but Providence has been merciful enough to restore you to your normal health and enable all of us to have the good fortune of seeing you elected as the first President and the Head of the State of the Republic of India. This is a red letter day in the history of India and we have no manner of doubt that under your wise judgment, your unruffled and cool temperament and your method of dealing with men and things, the honour and prestige of the country will rise as days go by and under your distinguished leadership the country will attain the status which it deserves among the nations of the world. I pray God may give us all the good sense to give you unreserved loyalty and complete co-operation in the heavy task which God has put upon you. We, all of us, have to swim together in the stormy seas that we have to cross in the future. You have by your affectionate temperament and by your goodness of heart, won the affection of every section of not only this House but every section of the people of the country at large. You richly deserve the honour that has been conferred upon you. (*Cheers*).

Shri B. Das : Mr. President.....

Mr. President: Before Mr. Das speaks, may I just remind Members that on an occasion like this, it is embarrassing for me to be sitting here and

to listening to speeches which will contain sentiments hardly deserved by me, and I would, therefore, request Members, if they insist upon speaking, to confine their remarks to just as few sentences as possible.

Shri B. Das (Orissa: General) : Mr. President, Sir, my heart goes in thankfulness to God that you are the first President of the Republic of India. Two thousand five hundred years ago, your province gave birth to Gautam Buddha who carried the message of peace all over Asia. In our own century, Mahatma Gandhi, the Father of the Nation, preached the gospel of universal peace through non-violence. You are a great disciple of his and I sincerely hope—I have known you for so many years—that you will carry that message and uphold the doctrines of Mahatma Gandhi not only in your rule over us in India but throughout the universe. People are everywhere suffering from the greed of men and India stands in no less need of uplift. It is God's will that you should guide our destinies through non-violence to peace and to a higher and nobler status of humanity. I hope that under your leadership India will be able to bring about world peace and human happiness.

Dr. H.C. Mookerjee (West Bengal: General) : Sir, even I belong to a particular political organization. The fact that you have been elected to fill your very high position unanimously is the clearest possible proof that you are not the choice of a particular dominant political party, but the choice of the whole nation. This choice of the whole nation, you have won on account of your sterling honesty, on account of your past record of unselfish service, and the country has given you the highest possible position it can give anybody. It is only in deference to your wishes that I shall not make any long speech. I have to say one thing and it is, I pray to God that as you do your duty, you may win the approval of your own conscience, you may win the approval of the nation which has elected you and that you will win the approval of the Father of our Nation, who must be pleased when he sees what is happening and finally, the approval of God. May God bless you in all that you do.

Mr. Hussain Imam (Bihar: Muslim) : Mr. President, it is a day of happiness for all, especially for us, Biharis, as it is after centuries that a Bihari has been able to give its services to India in the manner and in the personality of your goodself. We, Sir, in this House, have known your goodness and known all your qualities of head and heart, and we could not but be happy at the choice which has been made. We, all of us, without any distinction of caste, creed or community congratulate you from the bottom of our heart and hope that you will fulfil this place with honour, dignity and benefit to the people of India.

Mr. President : For once, after three years, I hope the House will permit me to stop further discussion.

Shri V.I. Muniswamy Pillay (Madras: General) : Sir, coming as I do from the southern-most Province of India, the Tamil Nadu, I take this opportunity, Sir, of extending our whole-hearted congratulations to you, Sir, for being unanimously elected to the greatest office of India, under whose destiny is going to be the future of India. Sir, it is Mahatma Gandhi's footsteps that you have been following and you have been observing his noble example of extending your whole-hearted support to the downtrodden masses of India. I pray, Sir, that the Almighty may give you long life, so that you may continue that noble work and elevate the downtrodden, the oppressed, the untouchable and all those people who have been removed away from the statute as no longer untouchables.

Mr. President : I have had co-operation from the Members all these years. I hope it will not be denied to me today, *i.e.*, on the last day. So I would beg honourable Members now to stop further discussion and not embarrass me more.... I am sure I have the House with me on this occasion as on all occasions, and so, I would request Members who are anxious to speak to desist from doing so.

I recognize the solemnity of this occasion. We have after a long struggle reached one stage, and now another stage begins. It has been your kindness to place on me a very heavy responsibility. I have always held that the time for congratulations is not when a man is appointed to an office, but when he retires, and I would like to wait until the moment comes when I have to lay down the office which you have conferred on me to see whether I have deserved the confidence and the goodwill which have been showered on me from all sides and by all friends alike. When I sit listening to laudatory speeches—and although I have tried to cut that down to some extent, here also I have had to submit to it to a certain extent,—I am reminded of a story in the *Mahabharat*, which is so full of piquant situations, and the solution that was found by Shree Krishna, who solved all those difficult and apparently insoluble problems. One of those days, Arjun took a vow that he would perform a certain thing before the sun set on that day and that if he did not succeed, he would burn himself on a pyre. He unfortunately, did not succeed. And then the problem arose as to what was to be done. In fulfilment of that vow, he would have to burn himself. This, of course, was unthinkable so far as the Pandavas were concerned. But Arjuna, was adament in his resolve. Shree Krishna solved this problem by saying, "if you sit and praise yourself or listen to praise by others, that would be equivalent to committing suicide and burning yourself; so you had better submit to that and your vow will be fulfilled". Very often, I have listened to such speeches in that spirit, because I have felt that there, are many things which I am not able to fulfil, which I am not able to accomplish, and the only way in which I can fulfil these things is to commit that kind of suicide. But, here, I am in a somewhat different situation. When our prime Minister and our Deputy Prime Minister speak with emotion about me, I cannot but reciprocate that kind of emotion. We have lived and worked together for more than quarter of a century and in the closest

association we have fought. We have never faltered; we have jointly succeeded also. And now that I am placed in one chair and they are occupying other chairs side by side, and there are other friends whose association I value equally well who will be sitting by their side to help and assist me and when I know that I have the good will of all the members of this House and of a very large circle of friends outside this House, I feel confident that the duties which have been imposed upon me will be discharged to their satisfaction; not because I can do that, but because the joint efforts of all will enable the duties to be so performed.

The country today is facing very many problems and my feeling is that the kind of work which we have now to do is different from that which we used to do two years ago. It requires greater devotion, greater care, greater application and greater sacrifice. I can only hope that the country will throw up men and women who will be able to take up the burden and fulfil the highest aspirations of our people. May God give us strength to do that.

SIGNING OF THE HINDI TRANSLATION OF THE CONSTITUTION

Mr. President : Now there are two things more which remain to be done. One is the authentication or rather the certification of the Hindi translation of the Constitution. Honourable members will recollect that this House authorised me by a resolution to get the Hindi translation prepared, and printed and published before the 26th of January. That has been done. The House also authorised me to get translations in other languages prepared, printed and published. That work has not yet been completed; it has been taken up.

I will ask Shri Ghanshyam Singh Gupta to let me have the Hindi Translation so that I may formally place it before the House and certify it.

(The Honourable Shri Ghanshyam Singh Gupta handed over to Mr. President copies of the Hindi translation of the Constitution. Mr. President then signed them.)

SIGNING OF THE CONSTITUTION

Mr. President : The only thing that now remains is the signing of the copy of the Constitution by the Members. There are three copies ready. One is in English completely hand-written and illuminated by artists. The second copy is in print in English. The third copy is also hand-written in Hindi. All the three copies are laid on the table and members will be requested one by one to come and sign the copies. The idea is to call them in the order in which they are sitting in the House now. But, as the Honourable the Prime Minister has to go on public duty, I will request him first to sign them.

(The Honourable Shri Jawaharlal Nehru then signed the copies of the Constitution.)

Shri Algu Rai Shastri (U.P. : General) : *[Mr. President, I want to submit that since the Constituent Assembly has accomplished its task, its office will now be closed. I wish that the services of the staff working in this office should continue in some form or the other. It should not be that on the 26th of January, when the whole country will be engaged in festivities, these officials may not feel like participating in them, although they deserve their share. This is all that I want to submit.]

Mr. President : *[I would like to say in this connection that I have paid attention to this question and have corresponded with the Legislative Department and other Departments of the Government for accommodating so far as possible, the persons working in our office. Efforts are being made for it. I hope that most of the people, if not all, will find employment. Efforts will be made to find employment for those also who are left out.]

The Members will now come from the right side, from Madras side, as they are and sign one by one.

(The Members then signed the copies of the Constitution.)

Mr. President : I would suggest to honourable members just to take their places, and sign as the names are called. That would, I think, be better; it will certainly look nicer. Mr. Khanna will call out the names of the Members, one after another.

(The remaining Members present then signed the copies of the Constitution after which Mr. President signed the copies.)

Mr. President : Is there any member who has not yet signed? If any, he may sign later on in the office.

Honourable Members : *Vande Mataram*.

Sri M. Ananthasayanam Ayyangar (Madras: General): All of us will sing, with your permission, Sir, "*Jana Gana Mana*".

Mr. President : Yes.

(Shrimati Purnima Banerji with other members, sang *Jana Gana Mana,* all standing.)

Mr. President : *Vande Mataram*.

(Pandit Lakshmi Kanta Maitra, with other members then sang *Vande Mataram*, all standing.)

Mr. President : The House will stand adjourned now, *sine die*.

The Constituent Assembly then adjourned, *sine die*.

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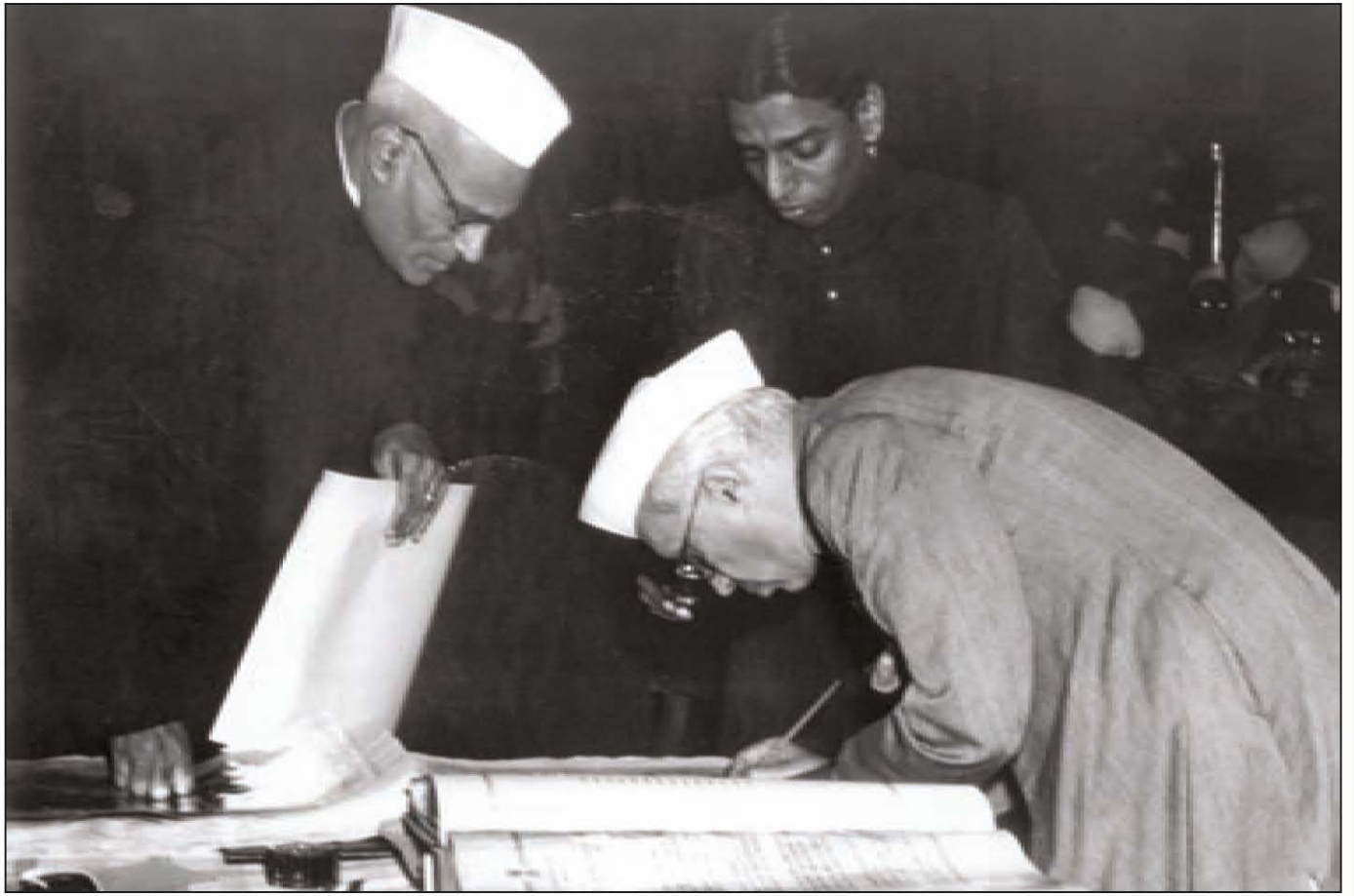
*[ ] Translation of Hindustani Speech.

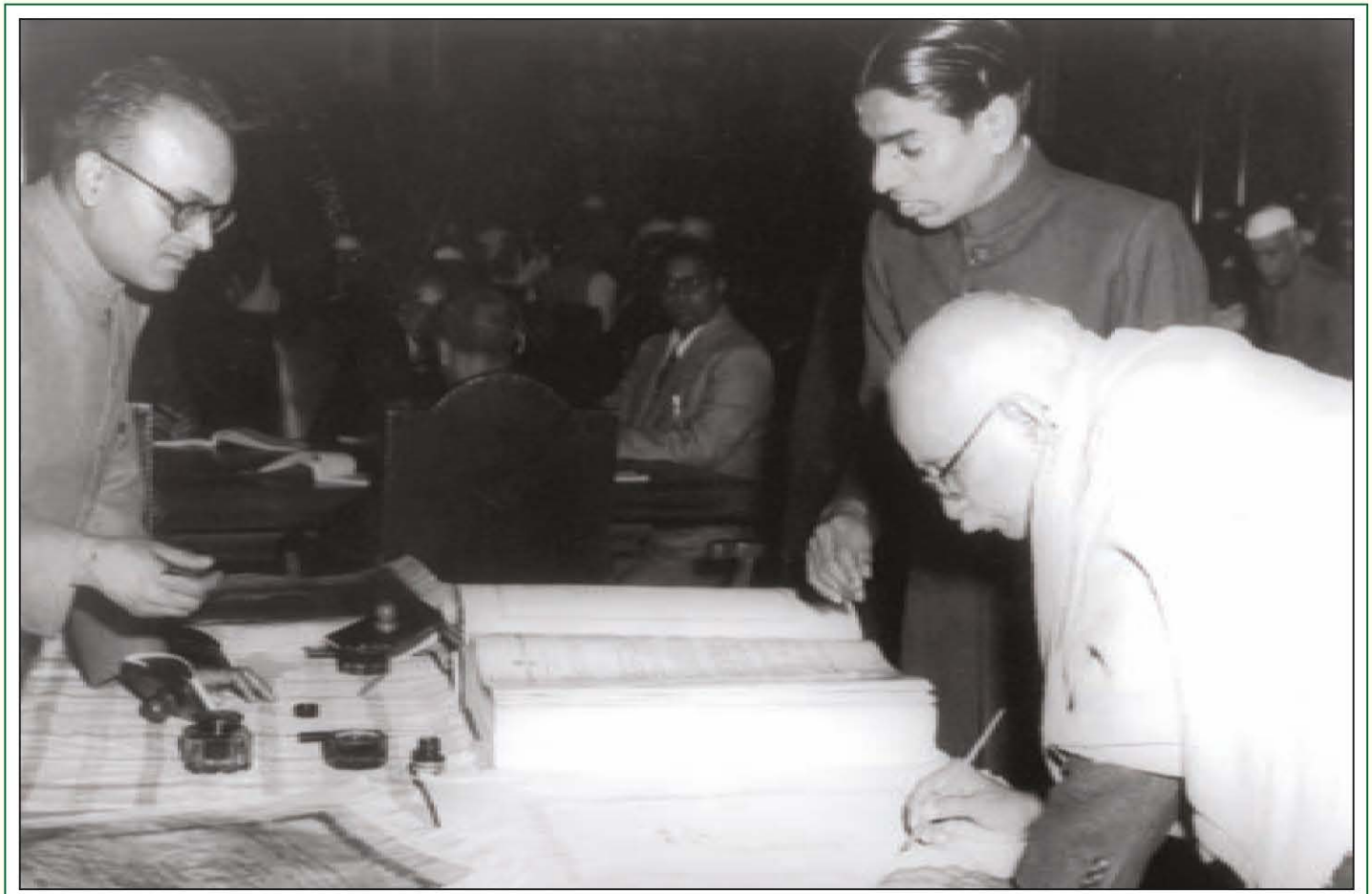


Pandit Jawaharlal Nehru signing the Constitution of India
on 24 January 1950.

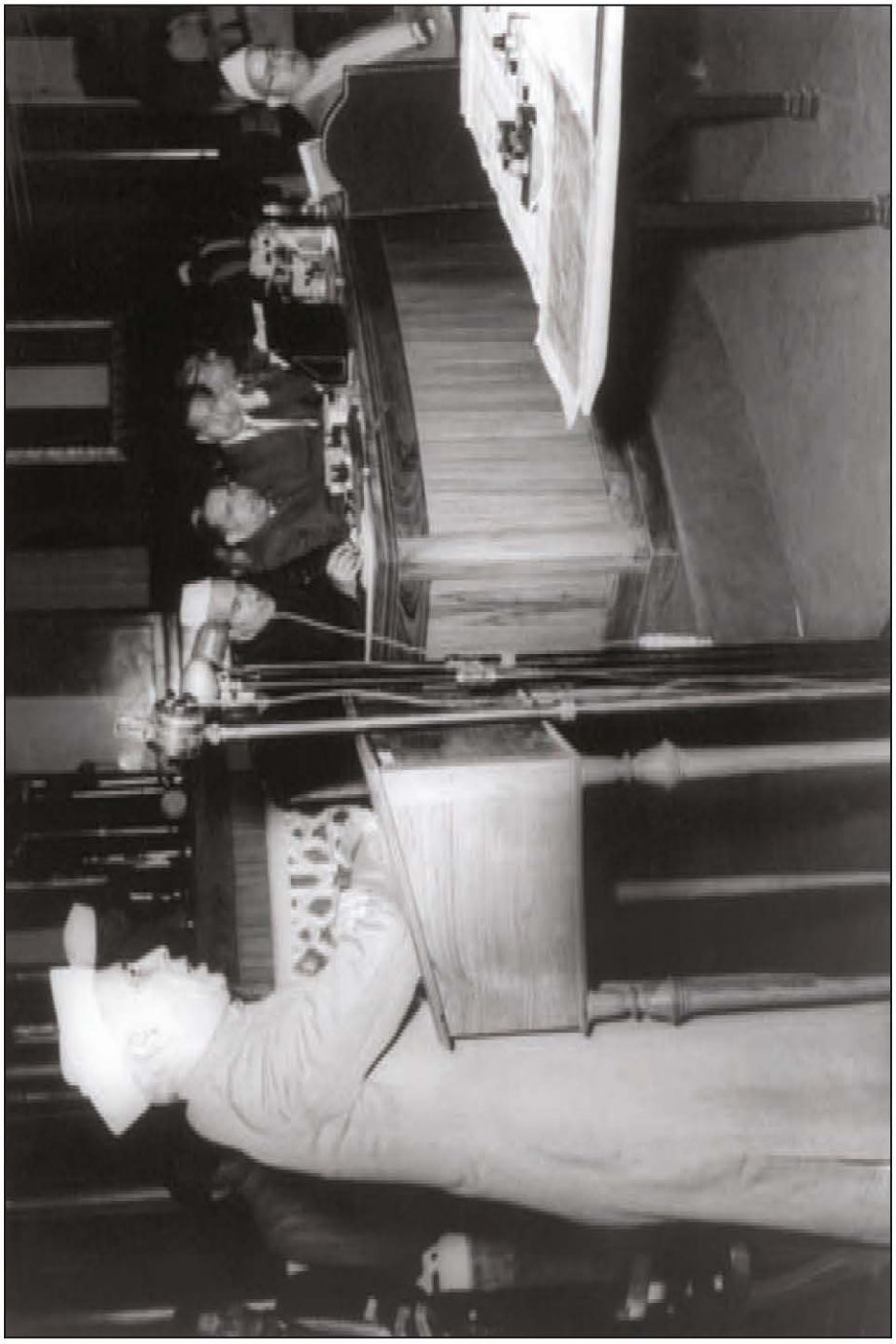
Members of the Central Cabinet signing the Constitution.

Dr. Rajendra Prasad signing the Constitution of India, as passed by the Constituent Assembly.

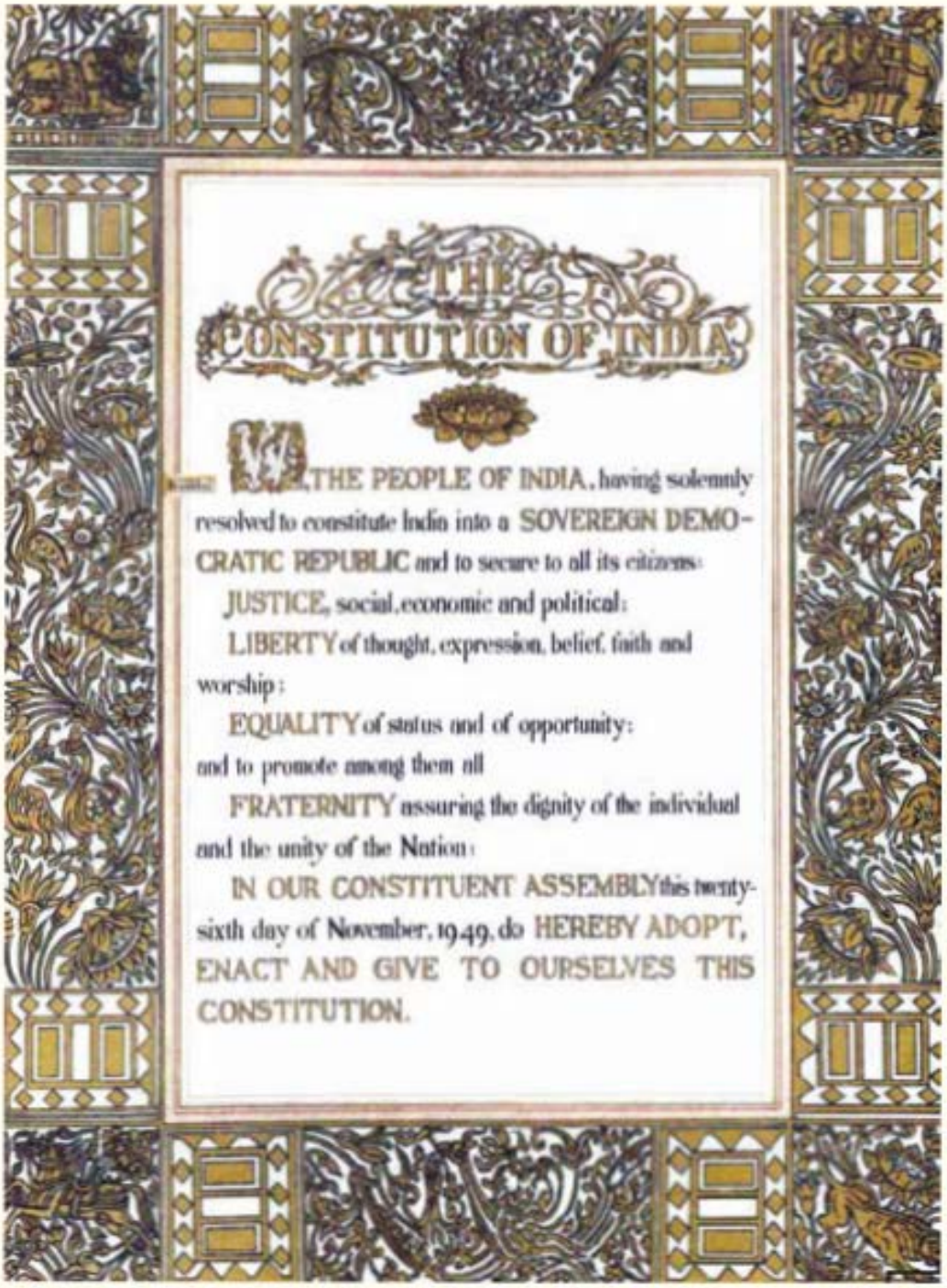
Pandit Jawaharlal Nehru with Sheikh Abdullah after the signing of the Constitution on 24 January 1950.



Dr. B. Pattabhi Sitaramayya signing the Constitution.



Pandit Jawaharlal Nehru addressing the Constituent Assembly on 24 January 1950.



THE CONSTITUTION OF INDIA

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political:

LIBERTY of thought, expression, belief, faith and worship:

EQUALITY of status and of opportunity:

and to promote among them all

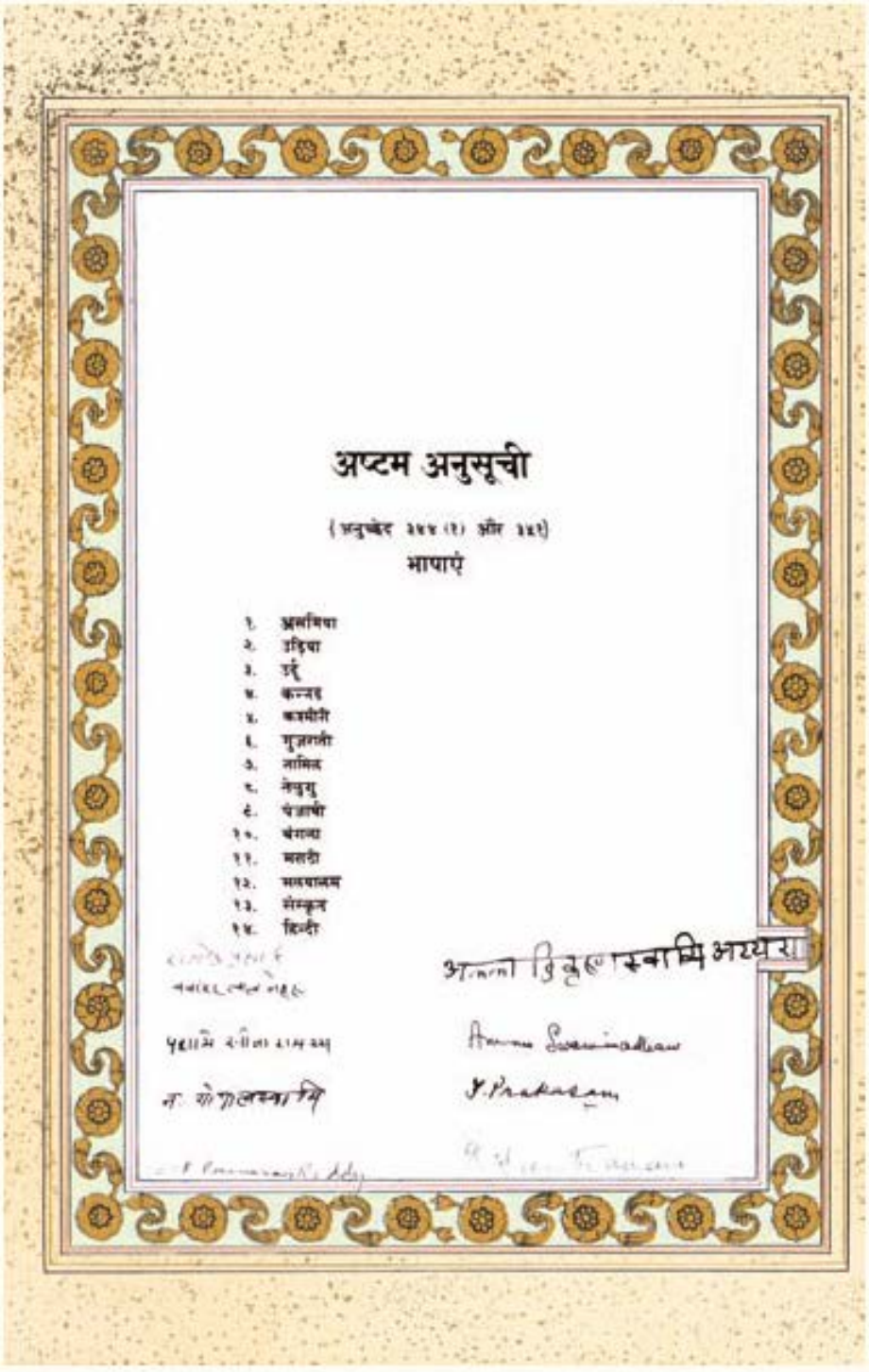
FRATERNITY assuring the dignity of the individual and the unity of the Nation:

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Preamble to the Constitution of India as it appears in the original calligraphed copy.

SIGNATURES OF THE MEMBERS OF THE CONSTITUENT ASSEMBLY

(REPRODUCED FROM THE CALLIGRAPHED COPY OF THE CONSTITUTION OF INDIA)

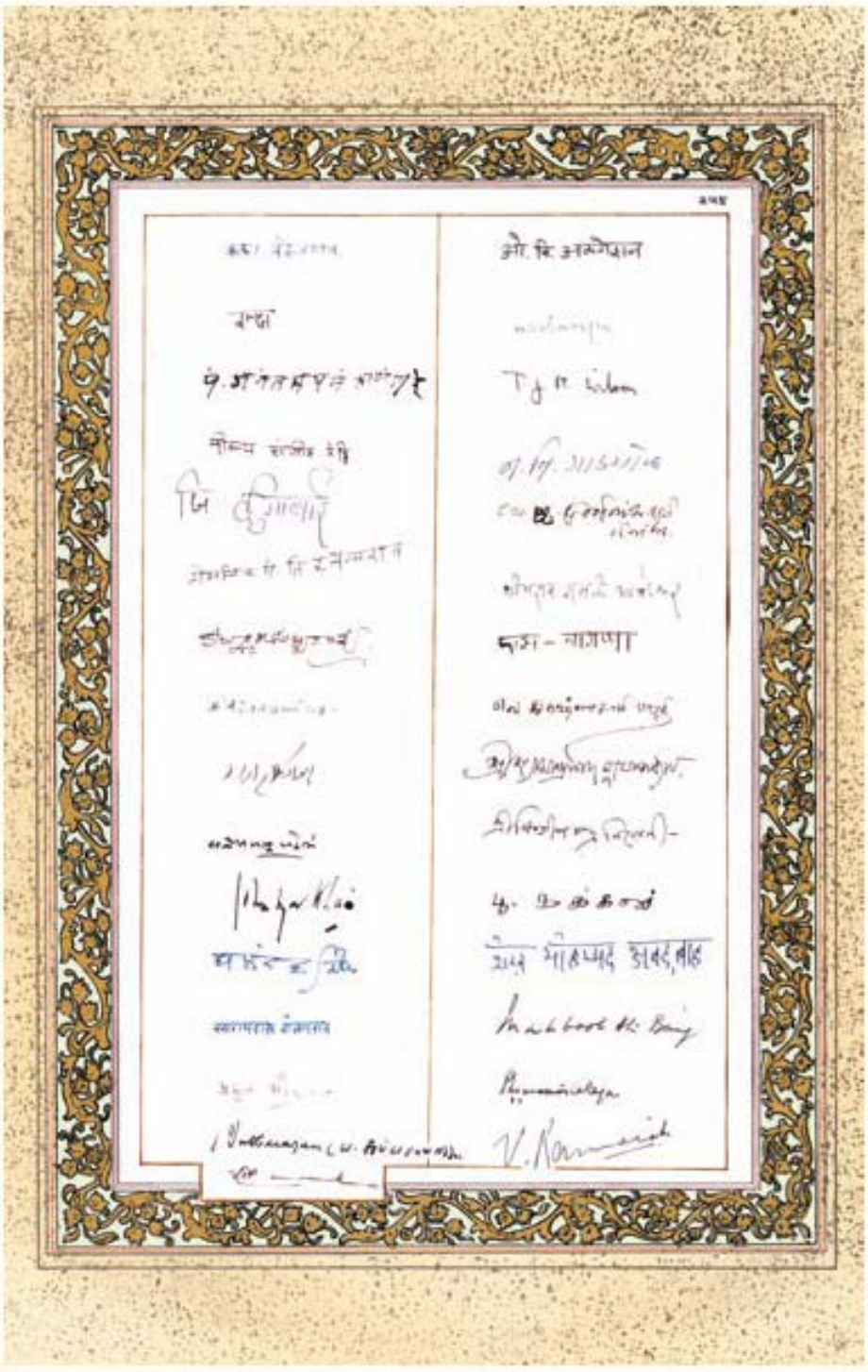


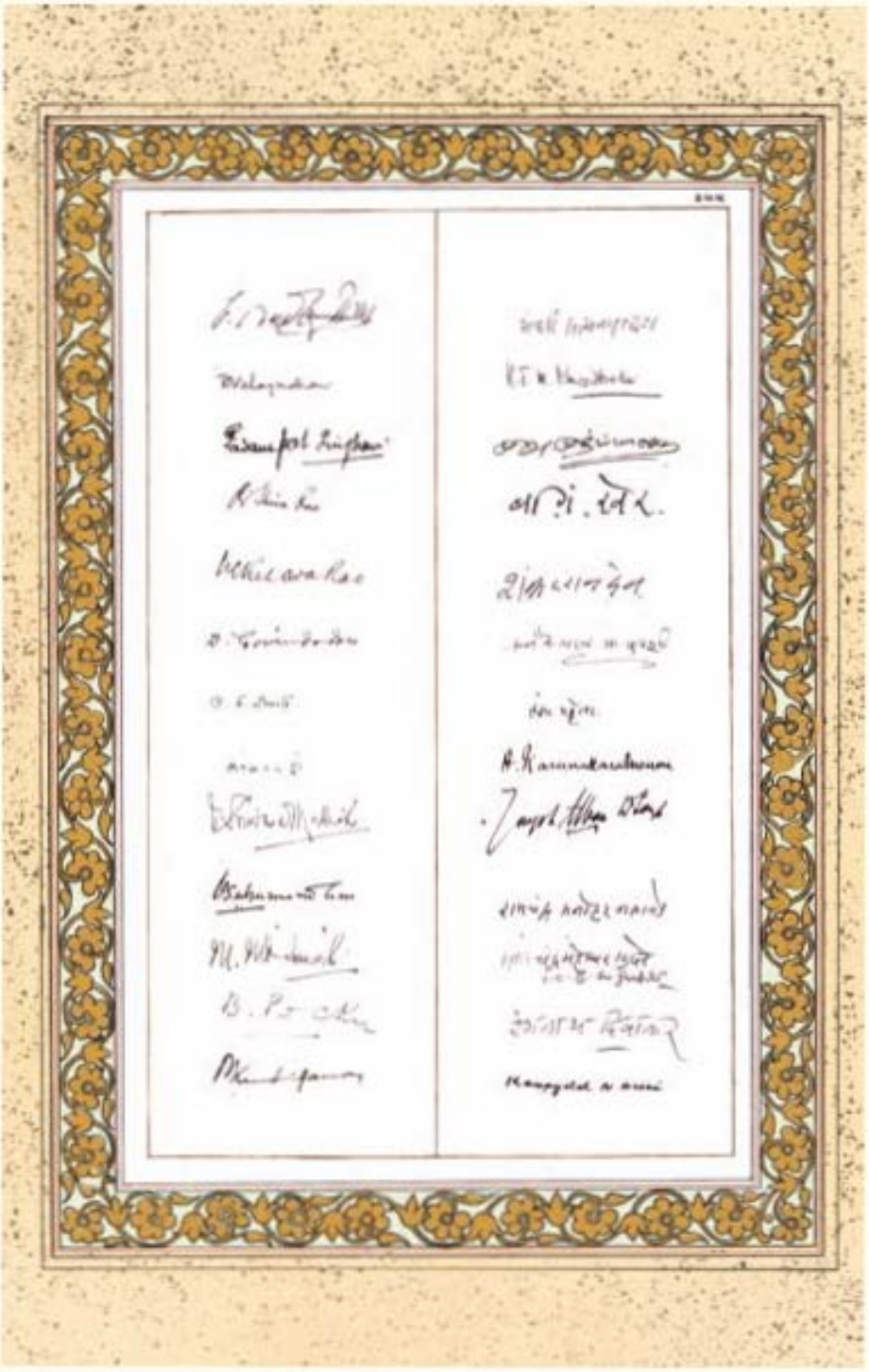
अष्टम अनुसूची

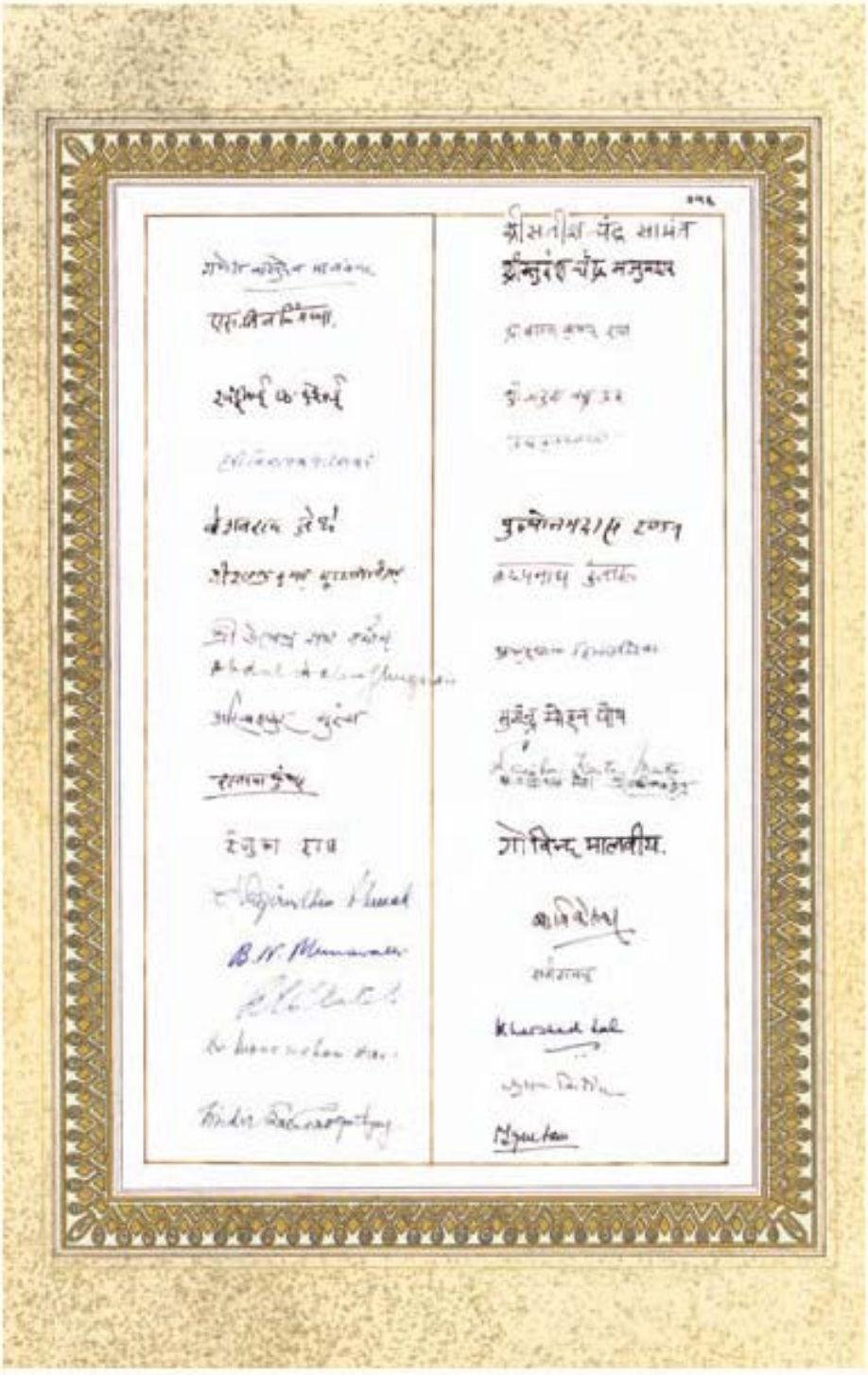
(अनुच्छेद ३४४ (१) और ३५१)

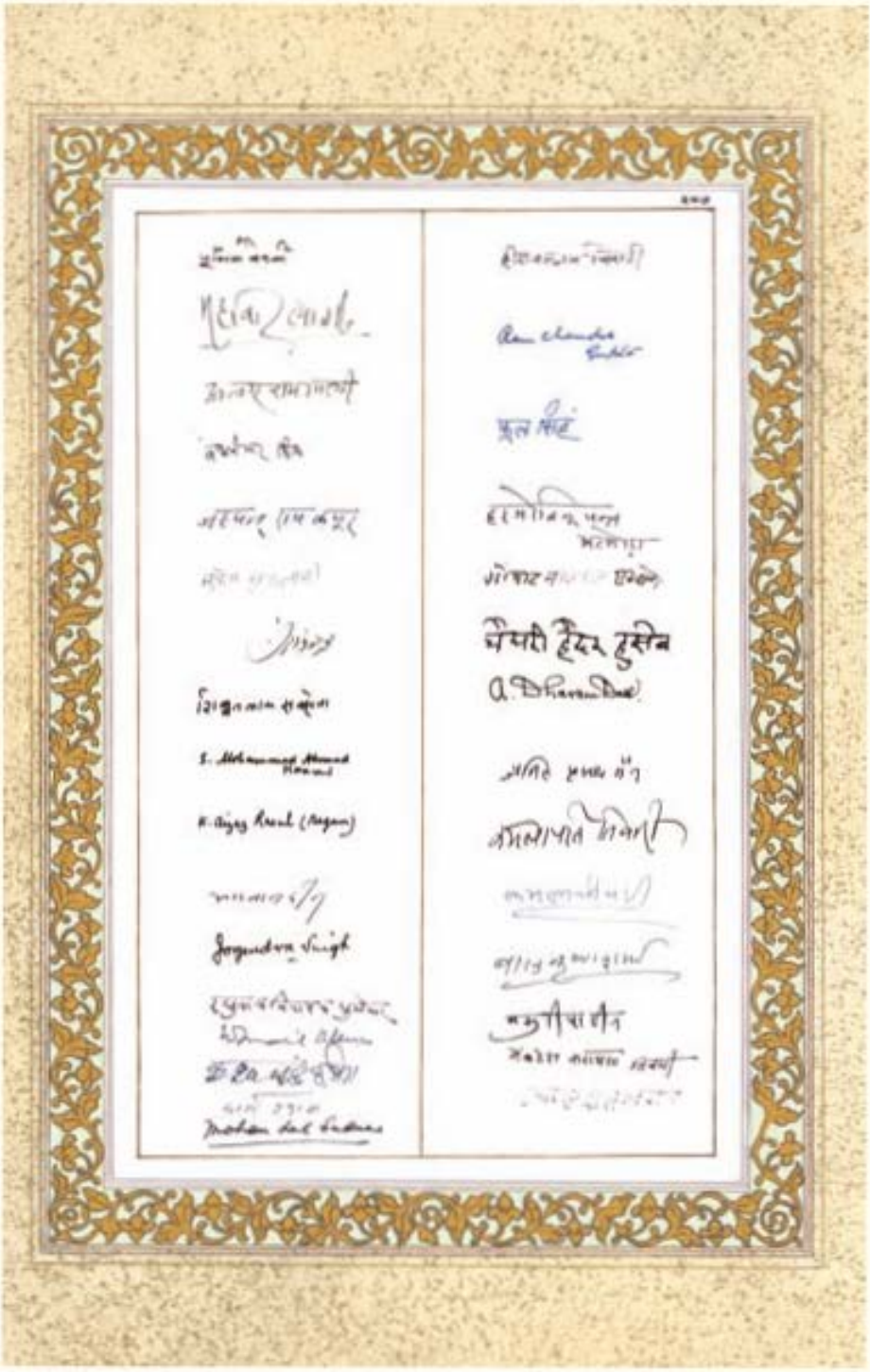
भाषाएं

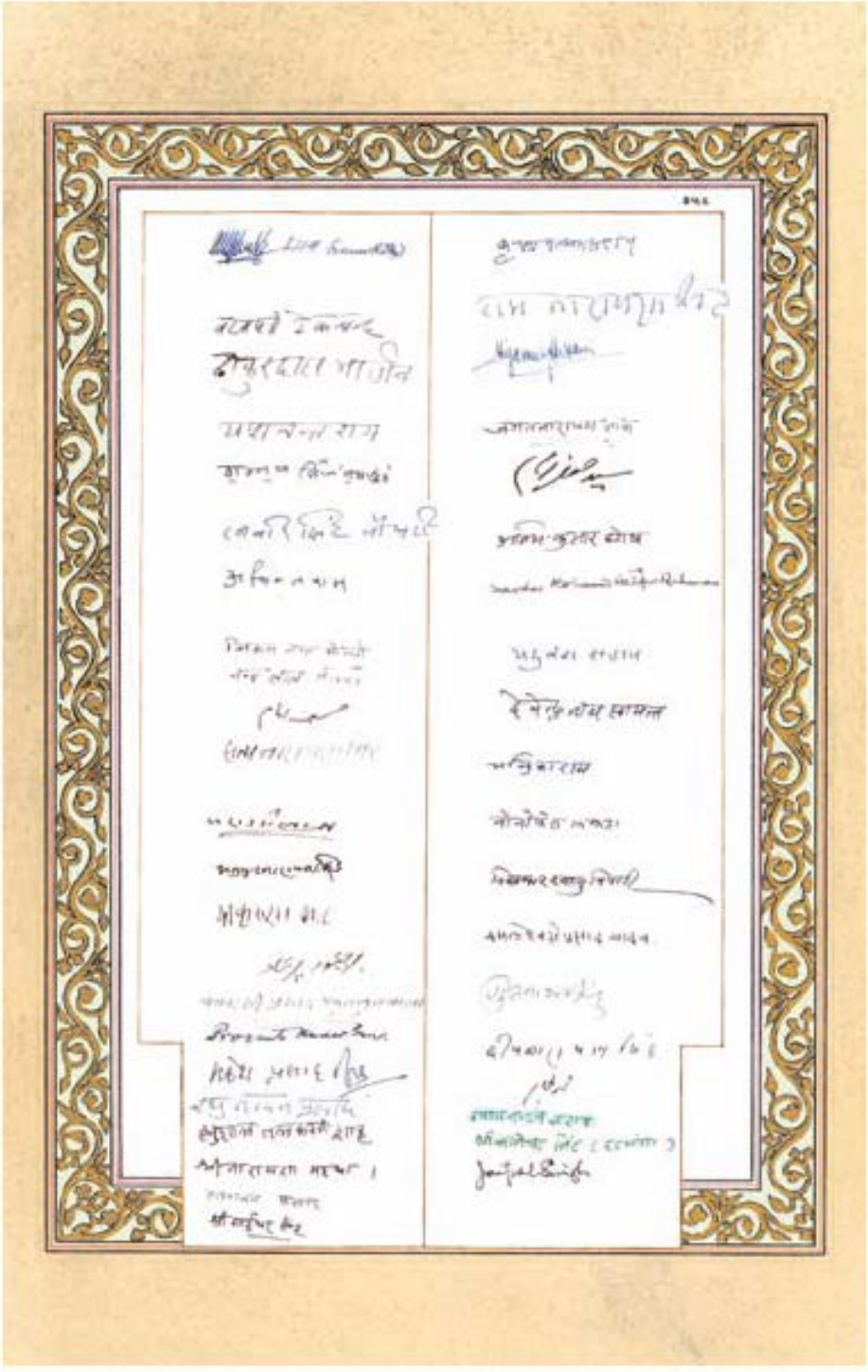
१. असमिया
२. उड़िया
३. उर्दू
४. कन्नड़
५. कश्मीरी
६. गुजराती
७. तमिल
८. तेलुगु
९. पंजाबी
१०. बंगला
११. मराठी
१२. मलयालम
१३. संस्कृत
१४. हिन्दी

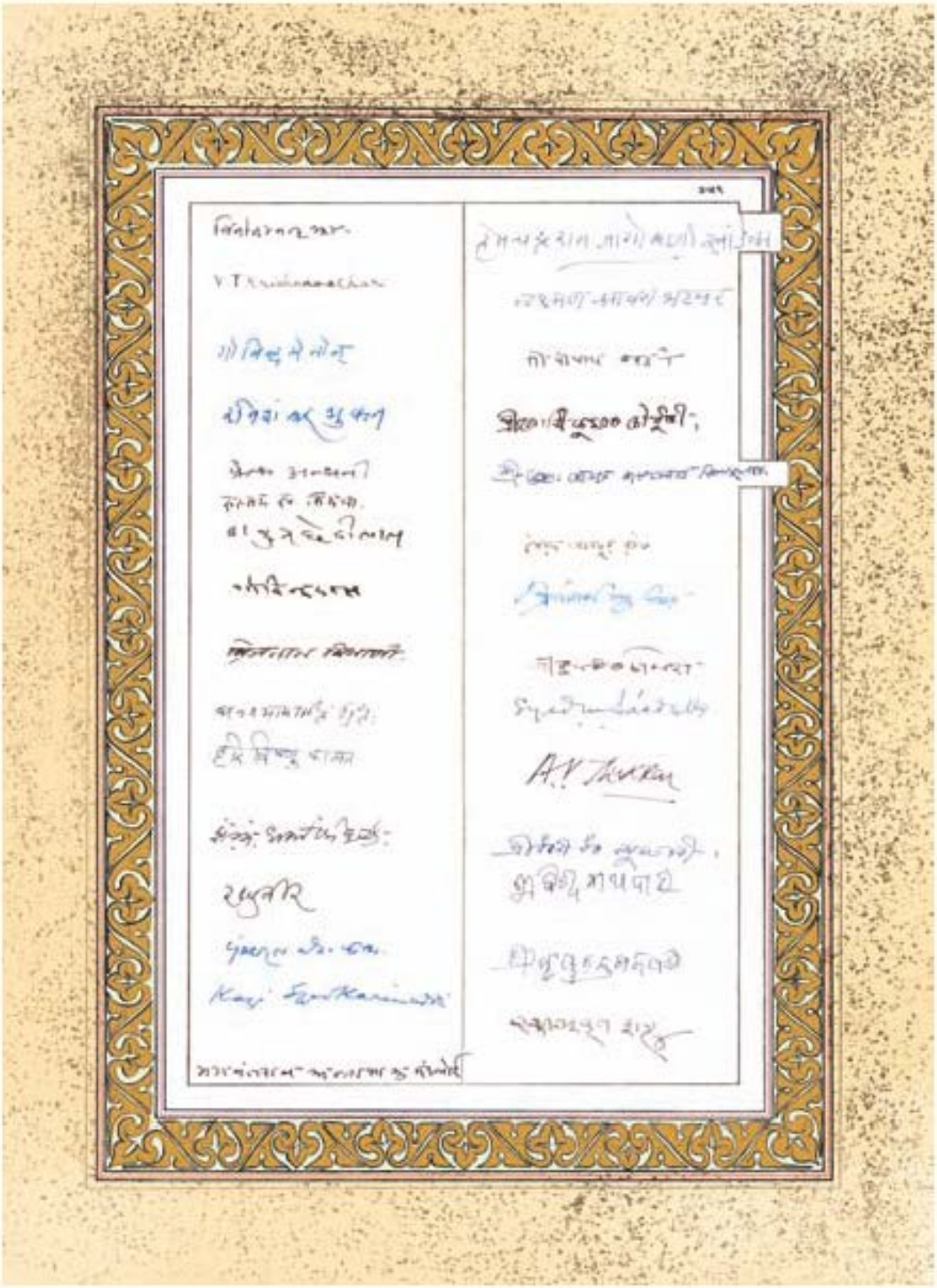


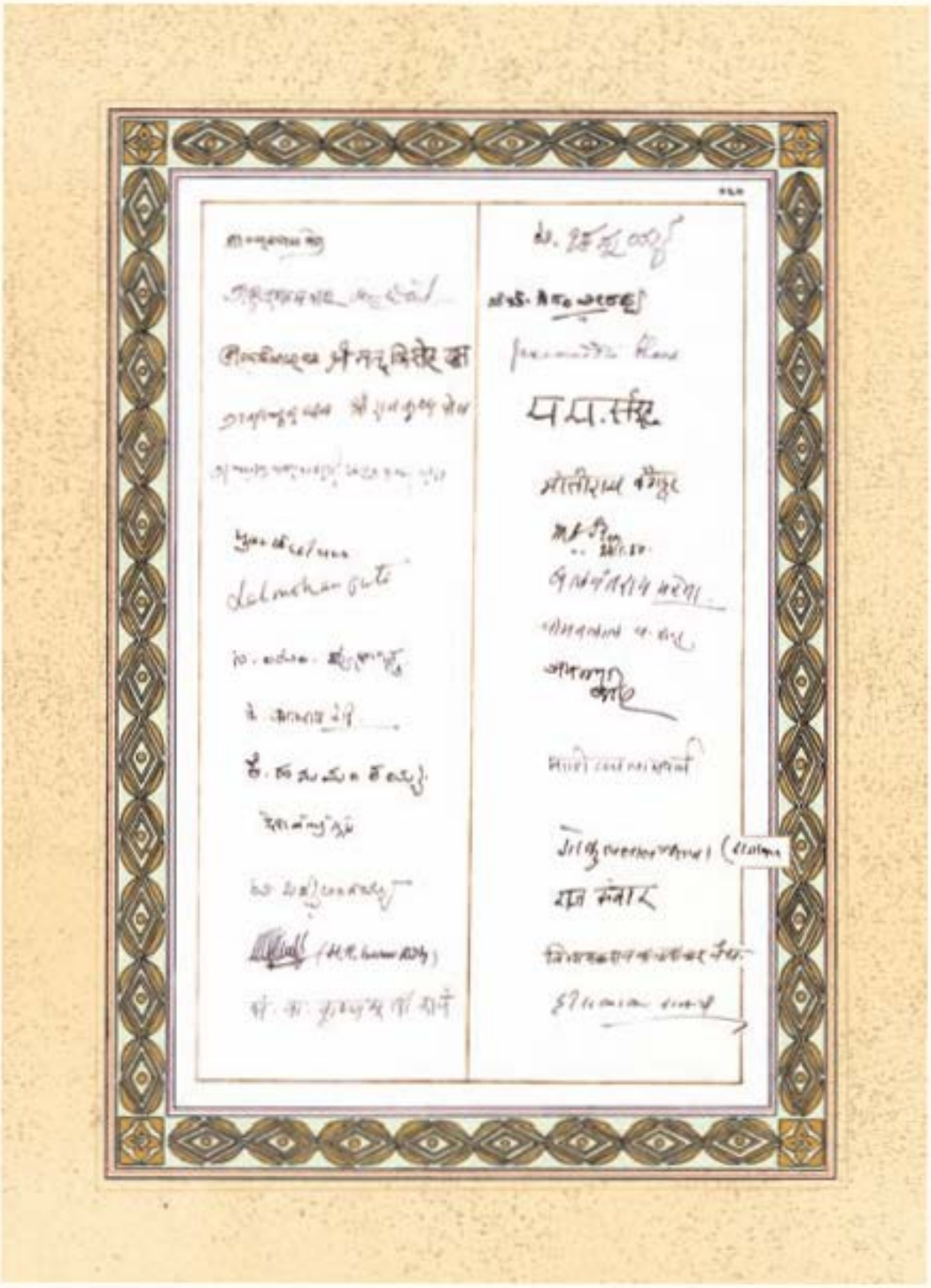


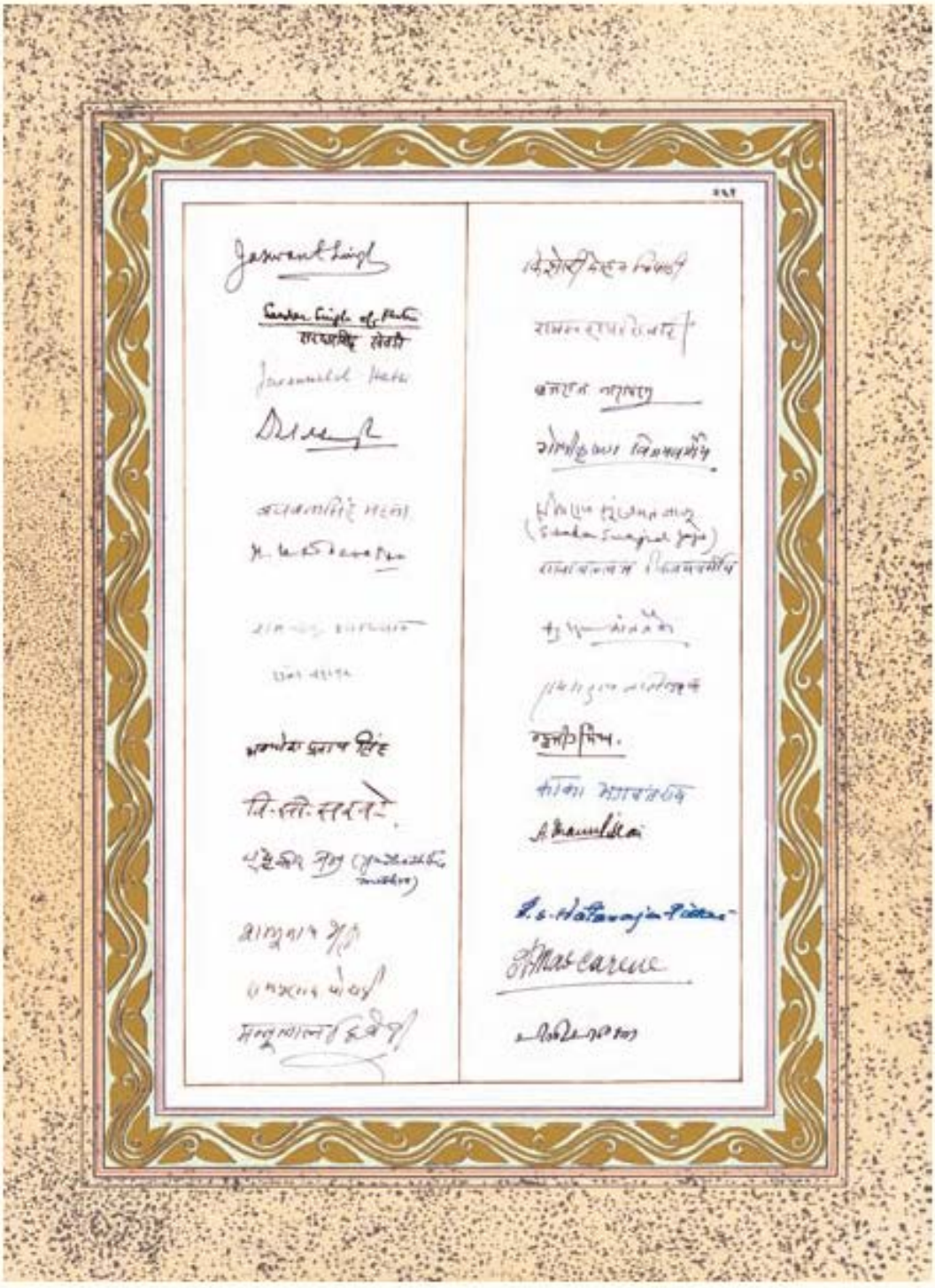


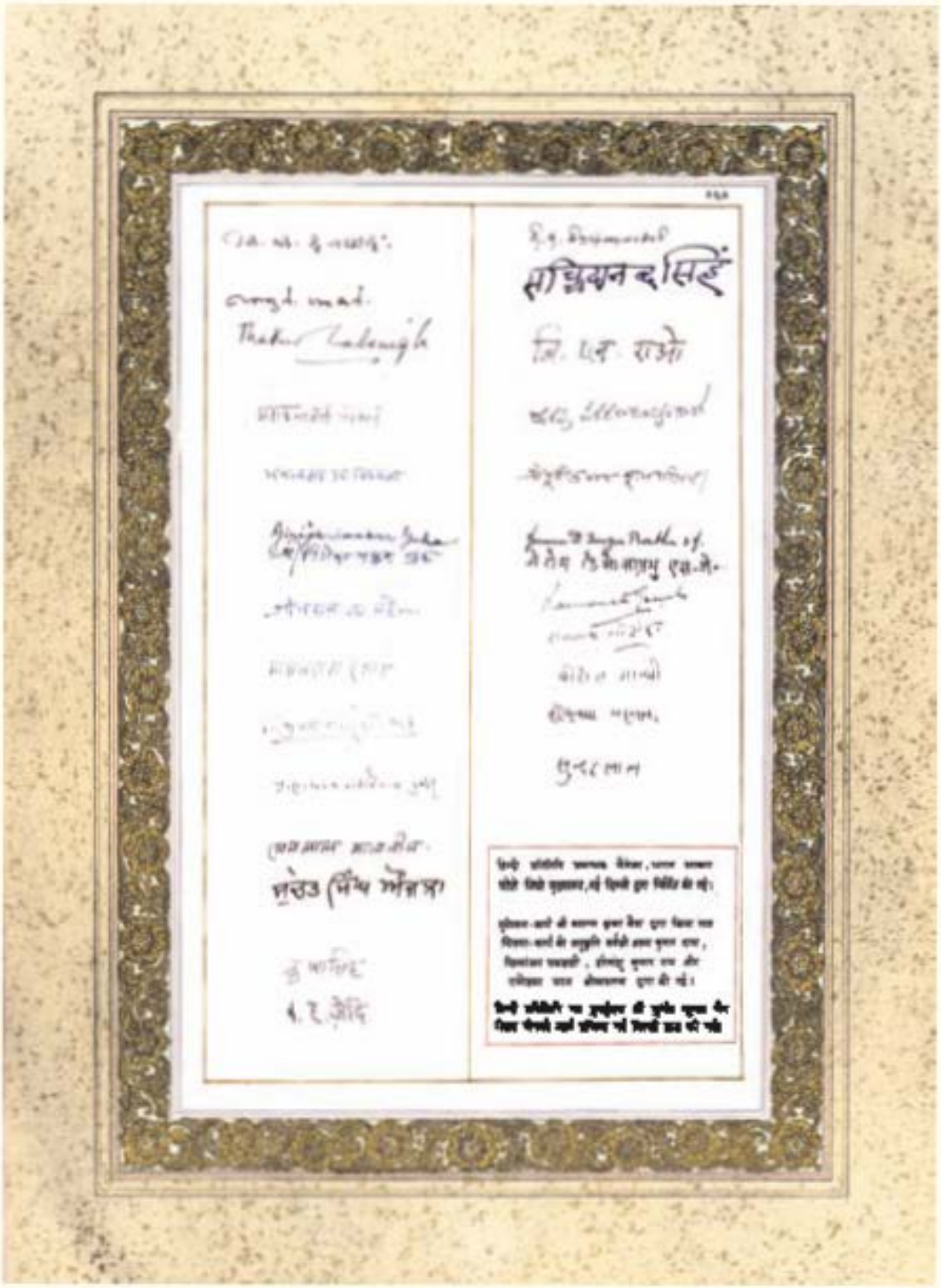









Jaswant Singh
Jawaharlal Nehru
Dr. Rajendra Prasad
B. R. Ambedkar
Abul Kalam Azad
Sarojini Naidu
K. M. Munshi
Rajkumari Amrit Kaur
H. P. Modi
Frank Anthony
S. Nihal Singh
A. Ramaswami Mudaliar
R. K. Sidhwa
Jagjivan Ram
Harekrushna Mahtab
Hansa Mehta
Durgabai Deshmukh
Purushottam Tricumdas Tandon
Kamala Chaudhry
Renuka Ray
Begum Aizaz Rasul
Sucheta Kripalani
Dakshayani Velayudhan
Amrit Kaur
Leela Roy
Annie Mascarene

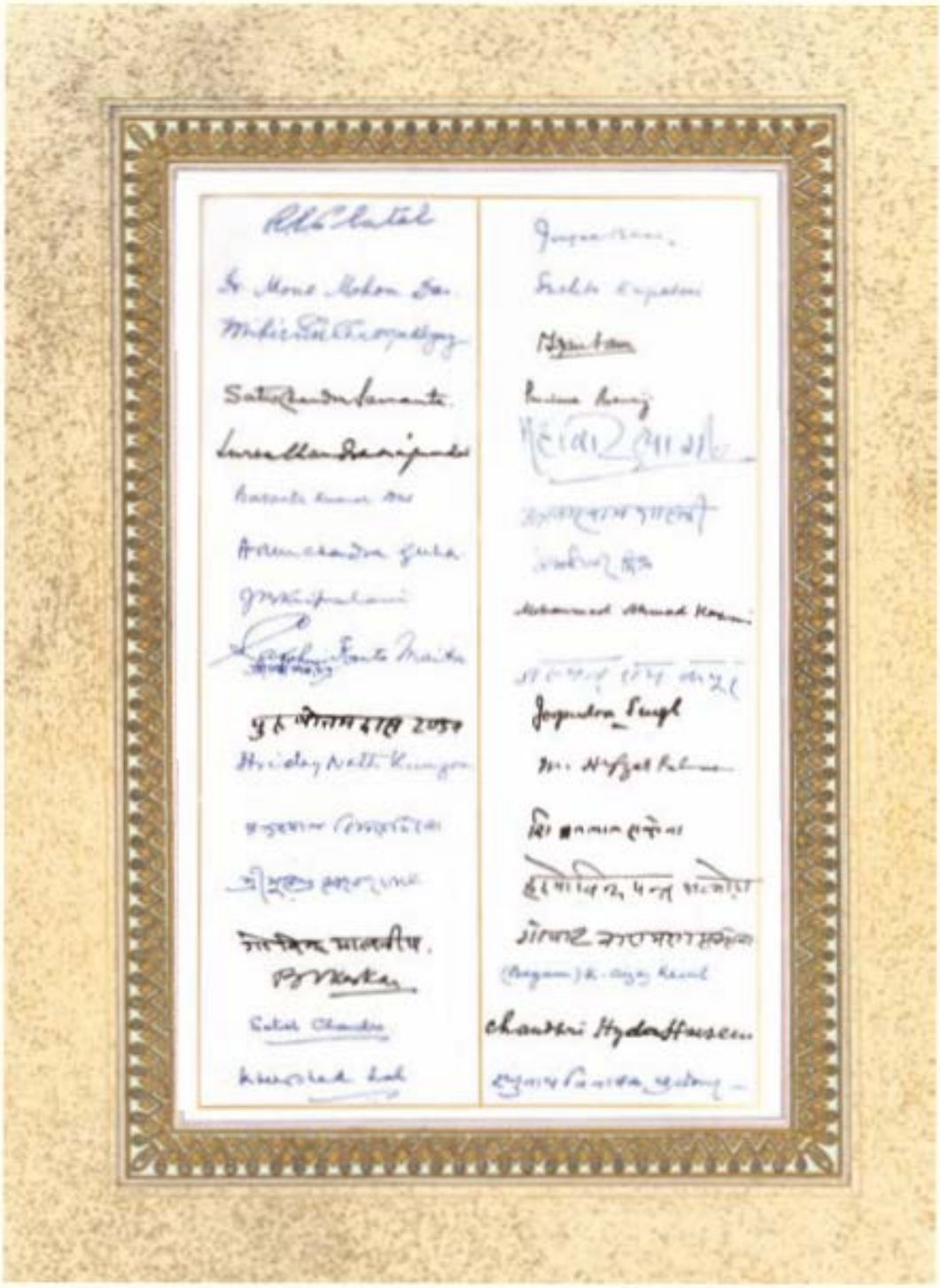


Eighth Schedule

[Article 344(1) and 351]

Languages

1. Assamese
2. Bengali
3. Gujarati
4. Hindi
5. Kannada
6. Kashmiri
7. Malayalam
8. Marathi
9. Oriya
10. Punjabi
11. Sanskrit
12. Tamil
13. Telugu
14. Urdu



Calligraphed by Prem Behari Narain Raizada (Saxena) s/o Shree Braj Behari Narain Raizada of Delhi.
Illuminated by Shri Nandalal Bose and other artists of Santiniketan, Birbhum
Photolithographed at the Survey of India Offices, Hathibarkala, Dehra Dun.

LAST SITTING OF THE CONSTITUENT ASSEMBLY

8 THE HINDUSTAN TIMES, WEDNESDAY, JANUARY 25, 1950.

Socialists' Split With Communists

'J.P.' Condemns Use Of Violence

POONA, Jan. 24.—The Socialist leader Mr. J. P. Narain, said at a Press conference yesterday that his party believed in the use of constitutional methods for the establishment of a Socialist State in the country. Such methods, he said, included mass organisation and the development of Gram Panchayats and co-operative movement which formed the cornerstone of a Socialist movement.

He was sure that resorting to the method of violence in the existing conditions in India, the bringing in revolution, would collapse in two days time. The Communist Party, he added, gave a call for insurrection about 3 months ago but their efforts had thoroughly failed.

Mr Narain said one of their main differences with the Indian Communists was their attitude towards Russia.

While the Socialists held that India should be free to decide its own policy, the Communists wanted that India should side with Russia in the event of a war. He referred to the reported split in the Communist Party of India, and said he did not know if any basic differences had resulted in the split. If the difference in plain view was one of terrorism, it could not be said to be fundamental.

Mr Narain did not believe that the then Communist leaders had any particular propensity for violence. Russian policy demanded terrorism for the disintegration of the country without allowing any time the people of India to stabilise.

FOREIGN CAPITAL

He said the Socialist Party was not against the participation of foreign capital for the industrial development of the country. He did not put private enterprise in the same. It had come to an agreement with labour parties for the investment of foreign capital here. The country did agree to foreign help if the line on which it would participate had commonsense with the country's freedom.

Asked about the prospects of the Socialist Party in the next general election, Mr Narain said they would send on whom the electing were it "if we have more time we might go a good show and achieve the which might prove surprising."

LINGUISTIC PROVINCES

He expressed the view that the linguistic provinces should be first without delay. He would also that the problem was solved on a agriculturists basis and not by planned methods.

Mr Narain expressed the

A group photograph of members of the Constituent Assembly taken before it held its last session yesterday morning. The President, Dr Rajendra Prasad, is in the centre.—Photo: "H.T."

CONSTITUENT ASSEMBLY SITS FOR LAST SESSION

'BANDE MATARAM' TO HAVE EQUAL STATUS WITH 'JANA GANA MANA'

The Constituent Assembly, which met for the last time yesterday, unanimously elected its President, Dr Rajendra Prasad, as the first President of the Indian Republic to be inaugurated on January 26.

Before Mr H. V. R. Iengar, Returning Officer, was called upon to announce the unanimous election of Dr Prasad, the latter made a statement on the National Anthem. "At one time," he said, "it was thought that the matter might be decided by the House by way of a resolution. But it has been felt that instead of taking a formal decision by means of a resolution, it would be better if I made a statement."

He then made the following statement:

"The Jana Gana Mana song by the name of Bande Mataram which played an important part in our struggle for freedom and which has inspired our people in their path of sacrifice, should be honoured equally with Jana Gana Mana and should be treated on equal footing with it. The members of the Assembly will, I am sure, agree with me that we should accept this position and declare accordingly. (Cheers).

"Both the songs, Jana Gana Mana and Bande Mataram, are entitled to the same honour and respect and the members will rightly deserve the honour that has been conferred on you." (Cheers).

Dr Prasad requested members who intended to make brief statements on the occasion to confine their remarks to as few sentences as possible. He said: "It is embarrassing for me to be sitting here and listening to speeches which will contain sentiments hardly deserved by me."

Mr B. Das (Orissa), Dr. H. C. Mookerjee, the Indian Christian leader, Mr. Sinha, Orissa leader, and Mr. Gupte (Bombay) spoke in Hindi and a third was printed in English.

Dr Rajendra Prasad said that members would sign the copies in the order in which they were sitting but as the Prime Minister had to leave the House immediately on public duty, he would be asked to sign first. Pandit Nehru was cheered as he signed the copies and shook hands with the President. Dr Pattabhi Sitaramayya, Congress President, who occupied the first seat, signed next amidst cheers.

Members started crowding round the table where the copies were kept for signature and the Presidents had hymns in praise of Rama.

Dr Rajendra Prasad then announced that those members who did not sign yesterday could sign the copies in the office of the Constituent Assembly.

In all 284 members (including the President) signed the copies of the Constitution yesterday. The strength of the House is 307, but the seven seats allotted to Hyderabad are vacant in the space left blank just above that of the Prime Minister's. When Dr Prasad was signing the copies Mr Mavalankar Pillai stood up in his seat and began chanting a Jana Gana Mana which was followed by Bande Mataram sung by Pandit Lakshmi Kant Maitra.

Dr Rajendra Prasad then announced that those who did not sign yesterday could sign the copies in the office of the Constituent Assembly.

On January 26, the House automatically converts itself into the provisional Parliament of the Indian Republic.

Dr Rajendra Prasad expressed his dislike of adulatory speeches.

He said: "I am reminded of a story in the Mahabharat which is so full of pregnant situations and Sri Krishna's solutions to apparently insoluble problems.

One day Arjun took a vow that he would perform a certain thing before the sunset on that day and if he did

PRESS SHOULD BE CONSTRUCTIVE

—SRINIVAS

NAGPUR, Jan. 24.—Mr. Srinivasan, President All-India Congress Editors' Conference, [illegible] said here today that [illegible] a democratic system [illegible] could yield desired results unless an informed electorate [illegible] discharge its obligations in the [illegible] of the constitution.

He said the new constitution [illegible] what Pandit Nehru [illegible] placed in the hands of the people as long as 26 million [illegible] vast majority of them were [illegible] and ignorant and the Press [illegible] was perhaps the only agency that could [illegible] task of educating them.

Mr Srinivasan, who was [illegible] ing a meeting of the Citizens' [illegible] Union of Tamilnadu [illegible] the Jawaharlal Nehru Press [illegible] yourself" to a consideration [illegible] towards the matter and [illegible] blend that combines the [illegible] racy.

In exercising the function [illegible] part of arbitrary [illegible] omission on the part of the [illegible] ment, Mr Srinivasan said [illegible] should observe the "golden [illegible] mode" if results of [illegible] were to be achieved. It [illegible] be kept in view that news [illegible] entirely impartial, well-sorted [illegible] and objectively presented.

Mr Srinivasan added [illegible] recognised that newspapers [illegible] first love before they could [illegible] any influence. They must [illegible] cheap and make the newspaper [illegible] able to the reader at [illegible] —P.T.I.

MAHASABHA EXECUTIVE MEETING ON JAN.

NAGPUR, Jan. 23.—The [illegible] Committee of the Akhil Bharat Mahasabha is meeting in Bombay on January 27 and 28.

The Committee will discuss [illegible] national matters such as the [illegible] of an all-India [illegible] board, it is learnt.

Dr N. B. Khare will preside.

A PLOT

A plot of land measuring [illegible] (Hindustan Garage [illegible] truct a building [illegible] party requiring [illegible] room, Clinic, Press, [illegible]

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Kashmere Gate

EXQUISITE SAREES
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RAJENDRA PRASAD INDIA'S FIRST PRESIDENT

Unanimous Election By C.A.

NEHRU A' TAVEL PLEDGE CO-OPERATION

'Jana Gana Mana' To Be National Anthem

Dr Prasad's Election Hailed Abroad

From Lone Satyagrahi To President

Republican "Deserters" Report Back

BANDUNG REOCCUPIED BY INDONESIAN TROOPS?

Coal Stoppage Tells

INDONESIAN PRESIDENT IN DELHI

Ice Candy Plants
NATIONAL REFRIGERATION CORP.
WE GREET OUR PATRONS ON THE EVE OF INDIA BECOMING A REPUBLIC
UPPER INDIA TRADING CO. LTD.,

INDIA BECOMES A REPUBLIC, 26 JANUARY 1950

26 January 1950, is a historic day in the life of our Republic when the Constitution of India came into force. Beginning from 9 December 1946, the members of the Constituent Assembly held intensive deliberations in the Constitution Hall of Parliament House for a long period of two years, eleven months and seventeen days and drafted the Constitution on which they appended their signatures on 24 January 1950. Ever since, the nation has been guided by the ennobling ideals laid down in the Constitution which has turned out to be one of the greatest and finest republican Constitutions.

The Chief Justice of India administering the oath of office to the first President of India, Dr. Rajendra Prasad, in the Darbar Hall, Government House, on 26 January 1950.

Dr. Rajendra Prasad, the first President of the Republic of India, at the ceremonial parade on 26 January 1950.

A view of Central Hall of Parliament House where the Constituent Assembly met.

भारत की संविधान सभा के अधिवेशन
इस सभाभवन में

A closer view of the dais of the Central Hall.

Unity in diversity is India's key-note and must be achieved by a process of understanding and consent...

Dr. Syama Prasad Mookerjee

India's greatness can legitimately be assessed by this Constituent Assembly, the first sovereign legislature of India. What a galaxy of stars of the first and second magnitude: Few indeed, of world assemblies, have contained the statesmanship, the wisdom, the brilliance and the eloquence which this Assembly can claim.

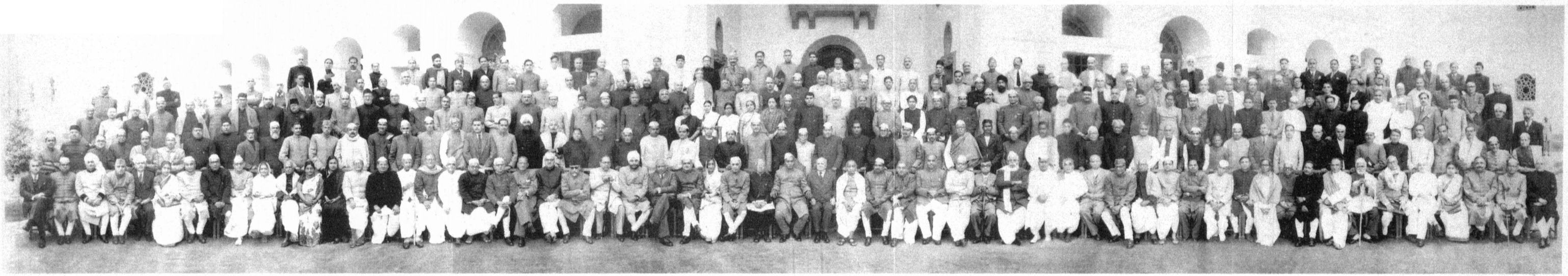
Shri K.M. Munshi

CONSTITUENT ASSEMBLY-SOME FACTS

- The first sitting of the Constituent Assembly was held on 9 December 1946. Late in the evening of 14 August 1947, the Constituent Assembly met in the Constitution Hall and at the stroke of midnight, took over as the Legislative Assembly of Independent India.
- The Constituent Assembly took almost three years—two years, eleven months and seventeen days to be precise—to complete its historic task of drafting the Constitution of Independent India*. During this period, the Constituent Assembly held eleven sessions. Out of these eleven sessions, the first six were spend in passing the Objectives Resolution and consideration of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Powers, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The seventh, eighth, ninth, tenth and eleventh sessions were devoted to the consideration of the Draft Constitution. These eleven sessions of the Constituent Assembly consumed 165 days. Out of these, the Assembly spend 114 days for the consideration of the Draft Constitution*.
- The Drafting Committee was elected by the Constituent Assembly on 29 August. It held its first meeting on 30 August. Since 30 August, it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution, as prepared by the Constitutional Adviser as a text for the Drafting Committee to work upon, consisted of 243 articles and 13 Schedules. The first Draft Constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 Schedules. At the end of the consideration stage, the number of articles in the Draft Constitution increased to 386. In its final form, the Draft Constitution contained 395 articles and 8 Schedules. The total number of amendments to the Draft Constitution tabled was approximately 7,635. Of them, the total number of amendments actually moved in the House was 2,473.
- The Constitution of India was adopted on 26 November, 1949 and the members of the Constituent Assembly appended their signatures to it on 24 January, 1950. In all, 284 members actually signed the Constitution.
- The Constitution of India came into force on 26 January, 1950. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.
- The expenses incurred on the Constituent Assembly up to 22 November, 1949 came to ₹ 63,96,729/-.
- No less than 53,000 visitors were admitted to the Visitors' Gallery during the period when the Constitution was under consideration.

*Constituent Assembly Debates, 25 November 1949.

MEMBERS OF THE CONSTITUENT ASSEMBLY OF INDIA



Sitting (L to R) : Mr. Frank Anthony, Seth Govind Das, Maharaja of Darbhanga, Mr. Khurshedlal, Mr. N. Madhava Rao, Smt. Renuka Ray, Hon. Dr. Jivraj N. Mehta, Hon. Mr. Mohanlal Saksena, Mr. K.M. Munshi, Smt. Hansa Mehta, Mr. O.P. Ramaswamy Reddiyar, Miss Annie Mascarene, Smt. Purnima Banerjee, Hon. Anugrah Narain Sinha, Hon. Sri Krishna Sinha, Mr. A.V. Thakkar, Mr. Lakshmi Kanta Maitra, Hon. Mr. R.R. Diwakar, Mr. M. Ananthasaynam Ayyangar, Hon. Shri N.V. Gadgil, Hon. Shri N. Gopalaswamy Ayyangar, Hon. Shri Jairamdas Daulatram, Hon. M. Abul Kalam Azad, Hon. Dr. B.R. Ambedkar, Hon. S. Baldev Singh, Hon. Dr. John Mathai, Hon. Shri G.V. Mavalankar, Hon. Rajkumari Amritkaur, Hon. Shri Jawaharlal Nehru, Dr. H.C. Mookerjee, Hon. Dr. Rajendraprasad (President), Mr. V.T. Krishnamachari, Hon. Sardar Vallabhbhai Patel, Hon. Jagjivan Ram, Hon. Shri Rafi Ahmad Kidwai, Hon. Dr. Syamaprasad Mookherjee, Hon. Shri B.G. Kher, Mr. Abdul Halim Ghaznavi, Hon. Pt. Ravishankar Shukla, Hon. Shri Gopinath Bardoloi, Mr. T. Prakasam, Hon. Rev. J.J.M. Nichoes Roy, Hon. Shri K.C. Niyogi, Dr. Pattabhi Sitaramayya, Mr. K.C. Reddy, Mr. P. Govinda Menon, Mr. Damodar Swarup Seth, Prof. Nibaran Chandra Laskar, Dr. Raghuvira, Hon. Shri K. Santhanam, Mr. D.B. Matari, Mr. Rohini Kumar Chowdhry, Mr. Babu Ramanara Singh, Mr. Laxminarayan Sahu, Mr. R.K. Sidhwa, Smt. Sucheta Kripalani, Maharaja of Parlakimedi, Mr. B. Das, Mr. Jaspatrai Kapoor.

Standing 1st Row (L to R) : Hon. Shri K.B. Sahay, Mr. Syamanandan Sahay, Mr. Tajmal Hussain, Mr. Sarangdhar Sinha, Prof. N.G. Ranga, Dr. Raghunandan Prasad, Mr. Kazi Syed Karimuddin, Mr. Jafar Imam, Mr. Mohamed Tahir, Mr. Mohammed Hifazur Rahman, Mr. Latifur Rahman, Mr. Sri Narayan Mehta, Hon. Shri Binodanand Jha, Mr. Guptanath Singh, Mr. Dipnarayan Sinha, Mr. Jadubans Sahay, Mr. Amiyo Kumar Ghosh, Mr. R.E. Patel, Lt. Col. Brij Raj Narayan, Sardar Su Singh, Mr. Upendranath Burman, Mr. Boniface Lakra, Mr. Brajeshwar Prasad, Master Nandlal, Mr. Ram Sahay, Mr. B.N. Munawali, Mr. Manikyalal Varma, Mr. R.B. Vijayvargiya, Mr. Balwantsinha Mehta, Mr. Sitaram S. Jajoo, Thakur Lalsingh, Mr. Chandrikaram, Pro. Yeshwant Rai, Dr. Dharam Prakash, Mr. Pragilal, Mr. Bhagwan Deen, Mr. Dayaldas Bhagat, Mr. P. Kakkan, Mr. Davindranath Samanta, Thakur Chhedilal, Mr. Ramchandra Gupta, Mr. V Tiwari, Mr. K.C. Sharma, Mr. Jainarayan Vyas, Mr. Kallur Subha Rao, Mr. B.N. Biyani, Mr. Gokullal Asava, Lala Achint Ram, Mr. Jaswant Singhji, Mr. Girijashanker Guha, Mr. P.D. Himmat Singhka, Mr. H.J. Khandekar, Mr. S. Nagappa, Mr. Aribahadur Gurung, Mr. C.M. Poonacha, Mr. V. Ramaiah, Mr. S.C. Mazumdar, Mr. U.S. Mallaya, Mr. Surendra Mohan Ghosh.

Standing 2nd Row (L to R) : Dr. P.K. Sen, Mr. Sardar Singh Bahadur of Khetri, Mr. A. Thanu Pillai, Mr. Banarasi Prasad Jhunjhunwala, Mr. Jagatnarayanlal, Mr. Hussain Immam, Mr. Kishorimohan Tripathi, Mr. Mohammed Ahmed Kazmi, Mr. Abdur Rauf, Mr. B.M. Gupta, Mr. Mahesh Prasad Sinha, Col. B.H. Zaidi, Dr. P. Subbarayan, Mr. S.V. Krishnamoorthy Rao, Mr. R.C. Upadhyaya, Mr. K.P. Yadav, Mr. Shantanu Kumar Das, Thakur Kishan Singh, Mr. L.K. Bharti, Mr. V.C. Ke Mr. Bhagwat Prasad, Mr. Jaipal Singh, Mr. M. Thirumul Rao, Smt. G. Durga Bai, Smt. Kamla Chowdhary, Smt. Dakshayani Velayudahan, Smt. Ammu Swaminathan, Begum Aizaz Rasul, Mr. T. Siddalingaiya, Mr. Mohanlal Gautam, Mr. B.L. Sondhi, Mr. Mahavir Tyagi, Mr. R.L. Malviya, Mr. Ramprasad Potai, Mr. Sarangdhar Das, Mr. K. Hanumanthiya, Mr. H.V. Kamath, Mr. H. Guruv Reddy, Lala Rajkanwar, Sardar Ranjit Singh, Mr. Padampat Singha Mr. M.A. Muthiah Chettiar, Syed Mohammed Sadulla, Mr. T.J.M. Wilson, Acharya Jugal Kishore, Ch. Hyder Hussain, Mr. K.T.M. Ahmed Ibrahim, Mr. B. Pocker, Mr. G.K. Vijay Vargiya, Mr. Mohd. Ismail, Mr. O.V. Alagesan, Mr. C. Subramaniam, Mr. Hiralal Shastri, Mr. Gokulbhai D. Bhatt, Lt. Col. K.R. Dalel Singhji, Pt. Hirdayanath Kunzru, Dr. Bakshi Tekchand.

Standing 3rd Row (L to R) : Mr. Pranlal Thakurlal Munshi, Mr. Kuldhar Chaliha, Mr. Mukut Biharilal Bhargava, Mr. Vinayak Rao B. Vaidya, Sardar Hukam Singh, Mr. Mehboob Ali Beg, Ch. Ranbir Singh, Mr. Nand Kishore Das, Mr. Thakurdas Bhargava, Dr. Joseph Alban D'Souza, Mr. T. Channiah, Capt. Awdesh Pratap Singh, Mr. Shambunath Shukla, Mr. K.M. Jadhe, Mr. H.V. Pataskar, Mr. R.B. Kumbhar, Hon. Mr. N. Sanjeeva Reddy, Mr. D. Govinda Doss, Mr. S. Bhupendra Sin Mr. H. Siddverapa, Mr. P. Kunhiraman, Mr. A.K. Menon, Mr. Bhawanji Arjan Khimji, Mr. Ram Sahay Tiwari, Mr. Mannulal Dwivedi, Mr. Khandubhai Desai, Mr. K.N. Desai, Mr. C.C. Shah, Dr. Y.S. Parmar, Mr. Darbar Gopaldas A. Desai, Mr. Balwant Rai G. Mehta, Mr. Jaisukhlal Hathi, Mr. Ajit Prasad Jain, Sardar Joginder Singh, Mr. Balkrishna Sharma, Mr. M.L. Chattopadhyay, Mr. Hargobind Pant, Mr. R.V. Dhulekar, Mr. Masurya Din, Mr. Bansidl Mishra, Hon. G.S. Gupta, Mr. B.A. Mandloi, Mr. S.T. Dharmadhikari, Mr. Kusumkant Jain, Mr. Raj Bahadur, Mr. Deshbandhu Gupta, Mr. Bishwanath Dass, Mr. M.C. Veera Babu, Mr. V. Nadimuthu Pillai, Mr. T.A. Ramlingam Chettiar, Mr. K. Kamaraj, Mr. Govind Malviya, Mr. S. Nijlingappa, Hon. Mr. Satyanarayan Sinha.

Standing Last Row (L to R) : Mr. Kamlapati Tripathi, Mr. Shibbanlal Saksena, Pt. Motiram Bagra, Mr. Molana Mohamed Syed Masudi, Mr. Mirza Mohd. Afzal Beg, Mr. Sunderlal, Mr. Satish Chandra, Mr. Yudhishtar Mishra, Mr. Arunchandra Guha, Mr. V. Subramaniam, Mr. M. Satyanarayana, Mr. B.K. Das, Mr. Satish Chandra Samanta, Mr. Jasimuddin Ahmad, Dr. Monomohan Doss, Mr. P.T. Chako, Mr. K.A. Mohamed, Mr. R. Sankar, Mr. P.S. Natraja Pillai, Mr. B. Shiva Rao, Hon. Rajkrishna Bose, Mr. V.I. Muniswamy Pillai, Mr. V.S. Sarvate, Dr. P.S. Deshmukh, Mr. Gopal Narayan, Mr. P.L. Narsimha Raju, Mr. L.S. Bhatkar, Mr. R.M. Nalvade, Mr. V.D. Tripathi, Mr. Algu Rai Shastri, Mr. A. Dharamdas, Mr. H.V. Tripathi, Mr. Gyani Guru Mukh Singh Musafir, Mr. Nawab Mohd. Ismail Khan, Mr. Maulana Hasrat Mohani, Mr. Lal Mohan Pati, (5 Men Police), Mr. Kala Venkata Rao, Mr. Naziruddin Ahmed, Mr. Kaka Bhagw

Photo taken on : 7th April 1949